

CPS FAMILY AND INVESTIGATIVE ASSESSMENTS POLICY, PROTOCOL, AND GUIDANCE

Purpose

The primary goal of CPS Assessments is to protect children from further maltreatment and to support and improve parental/caregiver abilities to assure a safe and nurturing home for each child. If conditions described in the intake report would, if true, meet the legal definition of child abuse, neglect, or dependency and the alleged perpetrator is a parent, guardian, custodian, or caretaker by statutory definition and if the alleged victim is a child under the age of 18 years of age, the county child welfare services agency where the child resides, or is found, is required to initiate a CPS Assessment of all children residing in the home. The task of the CPS Assessment is to determine if the child(ren) is/are abused, neglected, and/or dependent, or if the family is in need of services, and what level of intervention is necessary to assure safety.

The purpose of the CPS Assessment is to gather sufficient information through interviews, observations and, when appropriate, analysis of reports, medical records, photographs, etc. to determine if:

- Child maltreatment occurred;
- There is a risk of future maltreatment and the level of that risk;
- The child is safe within the home and, if not, what interventions can be implemented that will ensure the child's protection and maintain the family unit intact if reasonably possible;
- Ongoing agency services are needed to reduce the risk of maltreatment occurring in the future; and
- Out-of-home placement is necessary to protect the child from harm.

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Policy & Legal Basis

Policy	Legal Basis
<p>CPS Assessments are legally mandated, non-voluntary services for:</p> <ul style="list-style-type: none"> ○ Children who are alleged victims of abuse, neglect, and/or dependency due to the action of, or lack of protection by, the child's parent/guardian/custodian or caregiver; and ○ The household family members of such children. <p>When a report of abuse, neglect, or dependency is received, the director of the county child welfare services agency must make a prompt and thorough assessment to determine whether protective services should be provided, or a petition filed.</p> <p>Sufficient information must be gathered to assess:</p> <ul style="list-style-type: none"> ○ The safety of the child and the potential risk of harm; ○ What actions might be needed to assure the safety of the child; ○ Whether the facts identified through a structured gathering of information support the substantiation that a child is abused, neglected, and/or dependent as defined by statute, and the extent of the abuse, neglect, and/or dependency; ○ If through observation and the gathering of information it is determined that due to the level of safety and risk, the family is in need of services; and ○ Whether the specific environment in which the child is found meets the child's need for care and protection. 	<p>The director of each county department of social services is required by law to establish protective services for children alleged to be abused, neglected, or dependent.</p> <p>N.C.G.S. §7B-300 states:</p> <p>"The director of the department of social services in each county of the State shall establish protective services for juveniles alleged to be abused, neglected, or dependent. Protective services shall include the screening of reports, the performance of an assessment using either a Family Assessment response or an Investigative Assessment response, casework, or other counseling services to parents, guardians, or other caretakers as provided by the director to help the parents, guardians, or other caretakers and the court to prevent abuse or neglect, to improve the quality of child care, to be more adequate parents, guardians, or caretakers, and to preserve and stabilize family life."</p> <p>N.C.G.S. §7B-302 states:</p> <p>"When a report of abuse, neglect, or dependency is received, the director of the department of social services shall make a prompt and thorough assessment, using either a Family Assessment response or an Investigative Assessment response, in order to ascertain the facts of the case, the extent of the abuse or neglect, and the risk of harm to the juvenile, in order to determine whether protective services should be provided or the complaint filed as a petition."</p>

Policy & Legal Basis

Policy	Legal Basis
<p>To assess reports of abuse, neglect, and/or dependency, each county child welfare services agency may use either:</p> <ul style="list-style-type: none"> ○ The Family Assessment Response; or ○ The Investigative Assessment Response. <p>Except for certain reports that must be taken as an Investigative Assessment, it will be up to each county child welfare services agency director, or their designee, to choose which response will be used to assess reports of abuse, neglect, and/or dependency.</p> <p>When a report of abuse, neglect, and/or dependency is received regarding a non-institutional setting, all children living in the home must be considered and assessed as victim children, whether they are named in the report. If a report is received on an institutional setting, the circumstances of other children who were subjected to the alleged perpetrator's care and supervision must be assessed to determine whether they require protective services or immediate removal.</p>	<p>N.C.G.S. §7B-101 provides the legal definitions of abused, neglected, and dependent juveniles:</p> <p>Section 106 (b)(2)(B)(xviii) of the Child Abuse Prevention and Treatment Act (CAPTA) requires that the county child welfare services agency notify the individual of the complaints or allegations made against him or her at the first time of contact, regardless of how that contact is made. This is dependent upon the county child welfare worker being certain that he or she is speaking to the person who is named in the report. If the county child welfare worker cannot be certain to whom he or she is speaking, specific allegations shall not be discussed to protect the confidentiality of the family.</p> <p>N.C.G.S. §7B-302(a) states:</p> <p>“The assessment and evaluation shall include a visit to the place where the juvenile resides, except when the report alleges abuse or neglect in a child care facility as defined in Article 7 of Chapter 110 of the General Statutes.”</p> <p>N.C.G.S. §7B-302 (b) states:</p> <p>“When a report of a juvenile’s death as a result of suspected maltreatment or a report of suspected abuse, neglect, or dependency of a juvenile in a non-institutional setting is received, the director of the department of social services shall immediately ascertain if other juveniles live in the home, and, if so, initiate an assessment in order to determine whether they require protective services or whether immediate removal of the juveniles from the home is necessary for their protection. When a report of a juvenile's death as a result of maltreatment or a report of suspected abuse, neglect, or dependency of a juvenile in an institutional setting such as a</p>

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	<p>residential child care facility or residential educational facility is received, the director of the department of social services shall immediately ascertain if other juveniles remain in the facility subject to the alleged perpetrator's care or supervision, and, if so, assess the circumstances of those juveniles in order to determine whether they require protective services or whether immediate removal of those juveniles from the facility is necessary for their protection.”</p> <p>N.C.G.S. §7B-302 (e) states:</p> <p>“In performing any duties related to the assessment of the report or the provision or arrangement for protective services, the director may consult with any public or private agencies or individuals, including the available State or local law enforcement officers who shall assist in the assessment and evaluation of the seriousness of any report of abuse, neglect, or dependency when requested by the director. The director or the director's representative may make a written demand for any information or reports, whether or not confidential, that may in the director's opinion be relevant to the assessment or provision of protective services. Upon the director's or the director's representative's request and unless protected by the attorney-client privilege, any public or private agency or individual shall provide access to and copies of this confidential information and these records to the extent permitted by federal law and regulations. If a custodian of criminal investigative information or records believes that release of the information will jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation, it may seek an order from a court of competent jurisdiction to prevent disclosure of the information. In such an action, the custodian of the records shall have the burden of showing by a preponderance of the evidence that disclosure of the</p>

Policy & Legal Basis

Policy	Legal Basis
	<p>information in question will jeopardize the right of the State to prosecute a defendant or the right of a defendant to receive a fair trial or will undermine an ongoing or future investigation. Actions brought pursuant to this paragraph shall be set down for immediate hearing, and subsequent proceedings in the actions shall be accorded priority by the trial and appellate courts.”</p> <p>N.C.G.S. §7B-302(h) states: “The director or the director's representative may not enter a private residence for assessment purposes without at least one of the following:</p> <ul style="list-style-type: none"> (1) The reasonable belief that a juvenile is in imminent danger of death or serious physical injury. (2) The permission of the parent or person responsible for the juvenile's care. (3) The accompaniment of a law enforcement officer who has legal authority to enter the residence. (4) An order from a court of competent jurisdiction.” <p>N.C.G.S. §7B-306 states: "The prosecutor shall review the director's determination that a petition should not be filed within 20 days after the person making the report is notified. The review shall include conferences with the person making the report, the protective services worker, the juvenile, if practical, and other persons known to have pertinent information about the juvenile or the juvenile's family. At the conclusion of the conferences, the prosecutor may affirm the decision made by the director, may request the appropriate local</p>

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Policy	Legal Basis
	<p>law enforcement agency to investigate the allegations, or may direct the director to file a petition."</p> <p>North Carolina Administrative Rule 10A NCAC 70A .0105 states:</p> <p>"Initiation of an investigation is defined as having face-to-face contact with the alleged victim child or children. If there is not such face-to-face contact within the prescribed time, the case record shall contain documentation to explain why such contact was not made and what other steps were taken to assess the risk of harm to the child or children.</p> <p>(e) When the director is unable to initiate the investigation within the prescribed time period, as indicated in Paragraph (d) of this Rule, because the alleged victim child or children cannot be located, the director shall make diligent efforts to locate the alleged victim child or children until such efforts are successful or until the director concludes that the child or children cannot be located. Diligent efforts shall include, but not be limited to, visits to the child's or children's address at different times of the day and on different days. All efforts to locate the child or children shall be documented in the case record."</p>

Required Timeframes

<ul style="list-style-type: none"> Time clock for initiation begins 	<ul style="list-style-type: none"> At the time the report is received by any NC county child welfare services agency
Upon screen-in of report	
<ul style="list-style-type: none"> Within Response Time (Immediate, 24 hours, or 72 hours) 	<ul style="list-style-type: none"> Initiation = Face-to-face interviews with all victim children See Initiation protocol for exceptions to interviewing sequence (e.g., domestic violence)
<ul style="list-style-type: none"> Same Day Initiated with Children 	<ul style="list-style-type: none"> Face-to-face interviews with parents/caretakers Completion of Safety Assessment Home visit
<ul style="list-style-type: none"> Records Check (criminal, CPS history, etc.) - Promptly and ongoing as new information is received 	
Ongoing during assessment	
<ul style="list-style-type: none"> Contacts with parent(s) and child(ren). See Contacts During the Assessment Section – frequency determined by risk level (at least 7 calendar days apart or at additional intervals to assure child’s safety) Collateral contacts – At least two during assessment Visit at home where child(ren) resides (with parent/caretaker or Temporary Safety Provider) 	
<ul style="list-style-type: none"> Current within 7 calendar days 	<ul style="list-style-type: none"> Documentation of any assessment activity or action
If/when case involves a Temporary Safety Provider	
<ul style="list-style-type: none"> Prior to placement of child(ren) with safety provider 	<ul style="list-style-type: none"> Meet with family to develop a safety plan and hold a CFT Complete background checks for all household members 16 years or older Complete Initial Safety Provider Assessment and approved by supervisor
If/when county files petition for custody	
<ul style="list-style-type: none"> Prior to filing petition 	<ul style="list-style-type: none"> Hold a CFT. See Cross Function topic: File a Petition, Preparing Parents and Child(ren)
<ul style="list-style-type: none"> Prior to placing child(ren) out of the home 	<ul style="list-style-type: none"> Locate placement in child(ren)’s best interest, consider relatives/kin for placement (complete Initial Provider Assessment), ICWA considerations, Mexican Heritage inquiry, address educational stability (Best Interest Determination)

Required Timeframes

<ul style="list-style-type: none"> At time of child(ren) placement 	<ul style="list-style-type: none"> Provide to placement provider: custody order, all available child information, & county child welfare services agency contact information
<ul style="list-style-type: none"> Within 7 calendar days after the day of placement 	<ul style="list-style-type: none"> Face-to-face visit with child(ren) and at least one placement provider. This contact is in addition to any contact or interaction with the child(ren) on the day of placement.
<ul style="list-style-type: none"> Within 7 calendar days of custody 	<ul style="list-style-type: none"> Child(ren) medical exam occurs (Child Health Status completed) & Educational Stability addressed (Child Educational Status or Best Interest Determination form completed) including BID meeting (within 5 school days) prior to any school change Visitation of child(ren) with parent(s) and siblings.
<ul style="list-style-type: none"> Within 14 calendar days of custody 	<ul style="list-style-type: none"> Family Time and Contact Plan developed jointly with parent(s), Family Time and Contact Plan developed for sibling visits, Shared Parenting Meeting
Case Closure Requirements	
<ul style="list-style-type: none"> Within 45 calendar days of CPS report, prior to or at time of case closure 	<ul style="list-style-type: none"> Risk Assessment & Strengths and Needs Assessment Case Decision Summary
<ul style="list-style-type: none"> Within 3 calendar days following case decision of Substantiation or Services Needed 	<ul style="list-style-type: none"> A referral to CDSA for any child under the age of three must occur when concerns are identified on the Family Strengths and Needs Assessment, Child Characteristics (S6).
<ul style="list-style-type: none"> Within 5 working days after case decision 	<ul style="list-style-type: none"> Notification letters, RIL notification (if applicable)
<ul style="list-style-type: none"> Within 7 calendar days after case decision of Substantiation or Services Needed 	<ul style="list-style-type: none"> For In-Home cases, face-to-face contact with family regarding case decision Complete all documentation, closing forms, and case file.
Guidance	
	<p>These timeframes are guidelines and indicate the maximum time limit for initiating CPS Assessments. Each referral is evaluated to determine the perceived risk to the child's safety, the urgency of the situation, and the priority of the report.</p>

Checking Agency Records

Protocol – What you must do	Guidance – How you should do it
<p>As a part of a thorough CPS Assessment, the county child welfare services agency must:</p> <ul style="list-style-type: none"> ● Review all county Child Welfare Services records for previous contact with the family in NC FAST or by contacting a county child welfare agency; ● Conduct a Central Registry (CR) check or search NC FAST services history for any previous reports of abuse, neglect, or dependency regarding the alleged victim child(ren), unless: <ul style="list-style-type: none"> ○ The county child welfare services agency has conducted such a check in the 60 calendar days prior to the new report, or ○ The agency is providing ongoing children's services to the family; ● Check criminal records for all case participants who are 16 years of age or older; and ● Determine if there is a need to request 911 call logs on the relevant address(es) and review obtained information. ● Documentation to support the completion of these activities. 	<p>Documentation of activities is on the structured documentation tool (DSS-5010) or in NC FAST on the CPS Assessment Documentation Tool.</p> <p>Review of CPS history, including the CR check, is important because it provides information that will help the county child welfare worker determine if the reported situation represents a pattern of abuse and/or neglect.</p> <p>ASSIST can be used to complete background checks (it is particularly valuable for afterhours reports and reports with a short response timeframe) and supports use of the following systems:</p> <ul style="list-style-type: none"> ● Criminal checks. ACIS provides any criminal charges or convictions in North Carolina through the AOC data base; and ● CPS Central Registry checks. <p>For some cases, it may be appropriate to complete a criminal record check on an individual who does not reside in the home or request 911 call logs regarding an address that is not the current location of the family home to assess child safety and risk.</p> <p>A request for 911 call logs can:</p> <ul style="list-style-type: none"> ● Provide additional information regarding child safety, especially when there are allegations of domestic violence; and ● Inform decisions regarding worker safety. <p>All county child welfare agencies should have staff trained to conduct criminal record checks on foster and adoptive parents, potential county child welfare workers, parents, guardians, custodians, caretakers under CPS Assessment, caretakers responsible for children in county child welfare custody, and on possible temporary safety providers.</p>

Checking Agency Records

Protocol – What you must do	Guidance – How you should do it
<p>DOMESTIC VIOLENCE</p> <p>Assessments with allegations of domestic violence, require activities that must occur prior to the initial contact with the family and include but are not limited to:</p> <ul style="list-style-type: none"> • Contact the Administrative Office of the Courts (or county Clerk of Superior Court) and/or complete a search of VCAP to determine if a domestic violence protective order exists; and • Contact local law enforcement agencies and/or conduct a criminal record check on the alleged perpetrator of domestic violence. 	<p>Access to the ACIS system allows county child welfare agencies to immediately determine the legal status of all adults with or without criminal records and/or pending charges in North Carolina.</p> <p><u>Civil Case Processing System (VCAP)</u></p> <p>The VCAP system contains information on civil actions that range from case initiation to disposition. This system should be used by county child welfare agencies when checking the existence of custody orders, domestic violence protective orders, and/or child support orders. VCAP does not provide a narrative on the conditions of a civil order.</p> <p>These activities must be completed as soon as possible during the CPS Assessment; however, if these activities can't be completed before the initial contact with the family, documentation should reflect the rationale.</p>

Initiation

Protocol – What you must do	Guidance – How you should do it
<p>Initiation of a CPS Assessment must include face-to-face interviews with all children living in the home.</p> <p>All reports accepted for a CPS Assessment must:</p> <ul style="list-style-type: none"> Be assessed promptly through individual face-to-face interviews with all alleged victim children within the statutory time requirements, or include documentation to reflect diligent efforts made to see the child within these timeframes. <ul style="list-style-type: none"> Interviews with children must include questions regarding the allegations, be individual and separate from the parent/caretaker for at least part of the interview. <p>See Family Assessment and Investigative Assessment for more protocol and guidance for initiation, specifically regarding the sequence of contact.</p> <p>ASSESSMENTS WITH ALLEGATIONS OF DOMESTIC VIOLENCE</p> <p>CPS Assessments must be initiated by first contacting the non-offending parent/adult victim outside of the presence of the alleged perpetrator. The children must not be interviewed in the presence of the alleged perpetrator.</p> <p>The sequence of the interviews for a Family Assessment or Investigative Assessment without allegations of abuse but with allegations of domestic violence must be as follows:</p> <ol style="list-style-type: none"> 1. Non-offending parent/adult victim; 2. Children; 3. Alleged perpetrator of domestic violence. 	<p>When interviewing each child, the county child welfare worker should use interviewing strategies and techniques appropriate to the child's developmental level. Workers should use their professional judgment in deciding how to interview a child.</p> <p>The Children's Domestic Violence Assessment Tool (DSS-5237) contains scaled assessment questions and should be used to support the determination of the safety and risk factors on assessments with allegations of domestic violence.</p> <p>Every child reacts differently when exposed to domestic violence. Some children develop debilitating conditions while others show no negative effects. As a result, it is important to interview the children regarding their involvement and/or exposure to domestic violence, as well as their general safety and well-being. It is important to recognize that older children are more likely to minimize reports of parental fighting. Younger children may be more spontaneous and less guarded with the information they share.</p>

Initiation

Protocol – What you must do	Guidance – How you should do it
<p>Do not disclose information obtained from the non-offending parent/adult victim concerning the source of information or any information concerning the non-offending parent/adult victim's safety plan during the interview with the child.</p> <p>POSTPONEMENT OF THE CHILD(REN) INTERVIEW</p> <p>The safety of children is closely linked to the safety of the non-offending parent/adult victim. The county child welfare worker and the supervisor must determine if the interview of the child(ren) must be delayed until safety can be achieved when:</p> <ul style="list-style-type: none"> • The interview with the non-offending parent/adult victim and the completion of the Safety Assessment indicate extreme risk; or • The children have learned to survive by identifying with the alleged perpetrator of domestic violence (i.e., cannot keep confidential information from the alleged perpetrator of domestic violence). <p>When this occurs, documentation must reflect:</p> <ul style="list-style-type: none"> • What steps were taken to identify the risk of harm to the child; and • The reasons for the postponement. <p>Once safety is assured, all required face-to-face interviews must be conducted. Postponing the interview with the child will be the exception and not the rule.</p> <p>Justification for not complying with the above requirements of initiation must be:</p> <ul style="list-style-type: none"> • Approved by a county child welfare services agency supervisor; and • Documented. <p>METHAMPHETAMINE</p> <p>Assessments involving allegations of children exposed to methamphetamine or other drug manufacturing laboratories: See Chapter IX - DRUG ENDANGERED CHILDREN.</p>	<p>Investigative Assessments of abuse with DV allegations should consider the safety of the non-offending parent and the child(ren) when initiating.</p>

Unable to Locate

Protocol – What you must do	Guidance – How you should do it
<p>When the agency is unable to initiate the CPS Assessment within the prescribed time because the alleged victim child cannot be located, the director or their designees must make diligent efforts to locate the child until such efforts are successful or until the county child welfare services agency concludes that the child cannot be located. The determination that the child cannot be located must be approved by a county child welfare services agency supervisor.</p> <p>The decision to discontinue diligent efforts must be approved by the county child welfare supervisor.</p>	<p>If the county child welfare services agency concludes that there is insufficient information to initiate or the child cannot be located, the report may be administratively closed.</p>

Safety Planning

Protocol – What you must do	Guidance – How you should do it
<p><u>NEW REPORTS OR ADDITIONAL ALLEGATIONS DURING AN OPEN CPS ASSESSMENT</u></p> <p>The intent of safety planning is to reach an agreed upon plan with the family that imposes the lowest level of intrusiveness possible while assuring a child’s safety.</p> <p>When any high-risk situation is alleged, the county child welfare services agency must immediately see the children to assess the situation and implement safety measures to protect the child(ren).</p> <p>All allegations, whether contained in the original report or uncovered during the CPS Assessment, must be:</p> <ul style="list-style-type: none"> • Have a new CPS Intake created in NC FAST or on the structured intake tool and screened; • Be thoroughly assessed; and • If there are any safety or risk of harm concerns a safety assessment must address the concerns. <p>Throughout the CPS Assessment, the county child welfare services agency must continue to monitor for safety, current and/or future risk of maltreatment, and assess for child well-being.</p> <p>If the county child welfare services agency is contacted and provided with information regarding the same allegations and incidents that were in the initial report and already being assessed:</p> <ul style="list-style-type: none"> • The information must be documented as a new CPS Intake in NC FAST or on the structured intake tool and screened. • Such circumstances do not require an initiation or a new Safety Assessment. 	<p>The primary concern of Child Welfare Services is protecting children. At no time should a county child welfare worker leave a child in unsafe circumstances.</p> <p>For example, if during initiation the county child welfare services agency discovers new allegations or incidents, the county child welfare services agency would:</p> <ul style="list-style-type: none"> • Assess the new allegations along with the reported allegations within the appropriate response time; and • Address these allegations during review of the Safety Assessment, including development of a Temporary Parental Safety Agreement for identified safety threats.

Safety Planning

Protocol – What you must do	Guidance – How you should do it
<p>If the county child welfare services agency is contacted and provided with information that is not regarding the same allegations and incidents in the initial report, the county child welfare services agency must:</p> <ul style="list-style-type: none"> • Treat the information as a new CPS Intake in NC FAST or on the structured intake tool and screened; and • Respond within appropriate timeframes to assess the safety of the child. <p>If the county child welfare services agency discovers information that necessitates law enforcement involvement, the county child welfare services agency must:</p> <ul style="list-style-type: none"> • Give immediate verbal notification to the District Attorney (DA) or their designee; • Send subsequent written notification to the District Attorney within 48 hours; • Give immediate verbal notification to the appropriate local law enforcement (LE) agency; and • Send subsequent written notification to the appropriate local law enforcement agency within 48 hours. <p>The notification to the DA/LE agency must include:</p> <ul style="list-style-type: none"> • The name and address of the child and of the parents; • The perpetrator when this person is different from the parents or caretaker; • Whether the abuse was physical, sexual; • The dates that the CPS Assessment was initiated and that the evidence of abuse was found; • What evidence of abuse was found; and • What plan to protect the child has been developed and what is being done to implement it. 	<p>For more protocol and guidance related to new information or allegations please see the CPS Intake Manual section Multiple Reports Involving the Same Child or Family.</p>

Safety Planning

Protocol – What you must do	Guidance – How you should do it
<p>"Evidence of abuse" means information including but not limited to:</p> <ul style="list-style-type: none"> • Credible statements of the child, parents, and/or other persons; • Observations of the county child welfare worker; • Records; • Photographs; • X-rays; or • Medical reports. <p>All information gathered during the assessment process must be incorporated into one case decision and reported to the Central Registry through NC FAST or using the CPS Application (DSS-5104).</p> <p><u>SAFETY ASSESSMENT</u></p> <p>A North Carolina Safety Assessment (DSS-5231) must be developed during CPS Assessments to address the safety issues and the caretaker's capacity to ensure safety for the children. The Safety Assessment must be completed and documented at the following intervals:</p> <ul style="list-style-type: none"> • At the time of the initial contact, during a home visit, and prior to allowing the child to remain in the household; • Prior to the case decision; • Prior to the removal of a child from the home; • Prior to the return home of a child in cases where the caretaker temporarily arranges for the child to stay outside of the home as a part of the safety intervention; • At any point a new CPS report is received; and 	

Safety Planning

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> At any other point that safety issues are revealed during the Assessment phase. <p>A safety agreement must be used when there is a specific safety factor or risk of harm identified. The plan must:</p> <ul style="list-style-type: none"> Be developed with the family (all parent(s)/caretakers(s) and Temporary Safety Providers) for the use of the Temporary Parental Safety Agreement (TPSA) to assure safety; <ul style="list-style-type: none"> If a TPSA cannot ensure safety, file a juvenile petition for court intervention. <p>The TPSA (Part E of the Safety Assessment) must specify what actions the parent(s)/caretaker(s), agency, and any identified Temporary Safety Provider will take to ensure the safety of the children.</p> <p>See Use of TPSA with Parents & Caretakers Decision Tool.</p> <p>See safety for more information regarding but not limited to:</p> <ul style="list-style-type: none"> Voluntary requirement of TPSA; When a TPSA may not be adequate and/or when court intervention must be considered; and Use of CFTs. 	<p><u>SAFETY ASSESSMENT</u></p> <p>Just having an allegation does not warrant a safety intervention. If there is no information that indicates the allegation is valid, it does not become a part of the safety intervention. Families are not to be coerced into signing documents simply because of allegations.</p> <p>Family-centered practice encourages the engagement of the parent/caretaker in the development of the Safety Assessment. When there is a safe finding on the Safety Assessment, no parent/caretaker signature is required; however, requesting that the parent/caretaker sign and initial each page of the Safety Assessment documents that they willingly participated.</p>

Safety Planning

Protocol – What you must do	Guidance – How you should do it
<p>A copy of the North Carolina Safety Assessment must be provided to the parent(s)/caretaker(s) upon completion. Temporary Safety Providers, must sign and receive a copy of the Safety Assessment.</p> <p>A new or modified Safety Assessment is required:</p> <ul style="list-style-type: none"> • When a new CPS report is received on an open CPS Assessment; • Prior to the case decision; • Prior to the return home in cases where the caretaker temporarily arranges for the child to stay outside of the home as a part of the safety intervention; and • At any other point that safety issues are revealed. <p>Whenever a new or modified Safety Assessment and/or Temporary Parental Safety Agreement is required:</p> <ul style="list-style-type: none"> • The modified TPSA must be signed by the parent(s)/caretaker(s)/agency county child welfare worker and supervisor; and • A copy must be provided to the parent(s)/caretaker(s). <p>SAFETY PLANNING IN ASSESSMENTS WITH ALLEGATIONS OF DOMESTIC VIOLENCE</p> <p>After the initial interview with the non-offending parent/adult victim, if domestic violence is identified as a safety and risk factor, a Safety Assessment must be completed. The development of a Temporary Parental Safety Agreement must also be created, and a decision made about sharing the agreement with the alleged perpetrator of domestic violence.</p> <p>Subsequently, a separate Safety Assessment must be completed later with the alleged perpetrator during their interview. Planning a safety agreement for the children's safety with the alleged perpetrator must include the specific actions that they will take to stop the violence and ensure that the children are safe.</p>	<p>When it is required, the decision to create a new or modified Safety Assessment is at the discretion of the county child welfare services agency.</p> <p>The Safety Assessment is indicated for use during the CPS Assessment, not during In-Home Services unless there is an assessment of new allegations.</p> <p>ASSESSMENTS WITH ALLEGATIONS OF DOMESTIC VIOLENCE</p> <p>Prior to a county child welfare services agency filing a petition, the following should be considered:</p> <ul style="list-style-type: none"> • A CPS Assessment involving domestic violence does not warrant an automatic custody removal to ensure safety. • Placement of children, even in the best placements, causes emotional damage by adding to the children's

Safety Planning

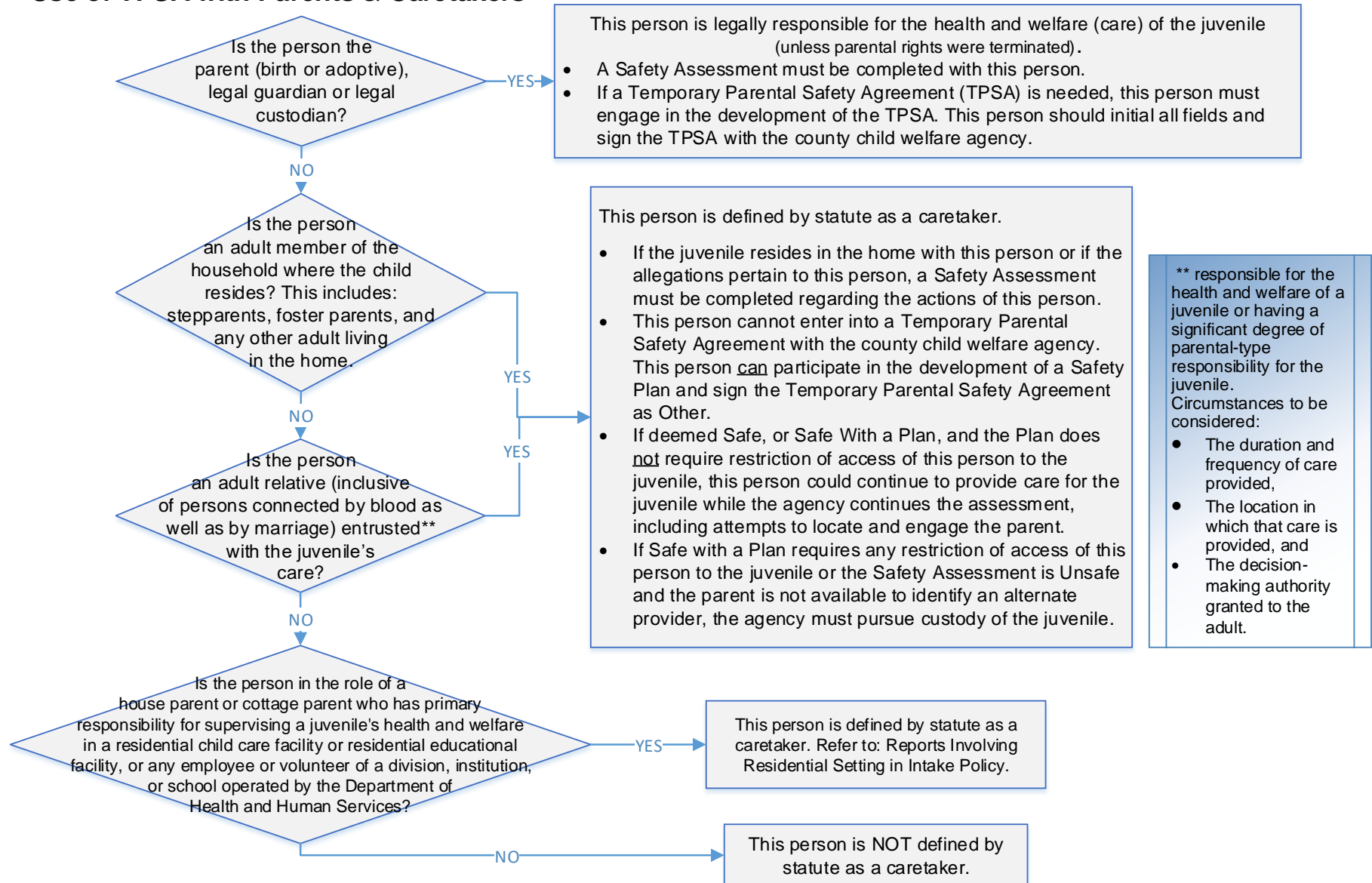
Protocol – What you must do	Guidance – How you should do it
<p>Case-specific circumstances may necessitate the completion of an additional Safety Assessment and development of a safety agreement after the interview with the child(ren) alleged to be victims of abuse, neglect, and/or dependency.</p> <p><u>USE OF TEMPORARY SAFETY PROVIDERS</u></p> <p>If, at any time during the CPS Assessment process, it is decided that a child must stay outside of the home to ensure safety, or that a Temporary Safety Provider will move into the family home to supervise parental contact, the county child welfare services agency must assess the Temporary Safety Provider. For more information on initiating the use of a safety provider, temporary safety provider or kinship provider see Cross Function Topics TEMPORARY SAFETY PROVIDERS (Assessment of the provider's home is not required when the Temporary Safety Provider moves into the family home.)</p> <p>Whenever the Safety Assessment determines an intervention requiring separation or restriction of a parent's access to their child is necessary, a Child and Family Team (CFT) meeting must be held. If it is not possible to hold the CFT meeting prior, then the Child and Family Team meeting must be held as soon as possible.</p> <p>DOCUMENTATION</p> <p>Written permission from the parent must be obtained, if:</p> <ul style="list-style-type: none"> • The parent is unable to travel with the county child welfare worker and child, • The Temporary Safety Provider is unable to transport the child; and • The county child welfare services agency chooses to transport the child alone. 	<p>experiences of grief, loss, anxiety, and/or fear caused by the separation from their families and their home. Children living in a chaotic or violent environment, may have developed skills to cope with that environment. Therefore, removal should not be considered until reasonable efforts are made to meet children's needs for safety and nurturing in their own homes unless no efforts are possible because children are at imminent risk of harm.</p> <p><u>TEMPORARY SAFETY PROVIDERS</u></p> <p>The Temporary Safety Provider should be someone that both parents and the county child welfare worker agree will safely care for the child and the criteria rated on the Initial Provider Assessment discussed.</p> <p>Use of separation or restriction should be a last resort and should not be done without first exploring if an intervention can be identified that will keep the child safe without use of separation or restriction of a parent's access.</p>

Safety Planning

Protocol – What you must do	Guidance – How you should do it
<p>The county child welfare worker conducting the CPS Assessment must remain with the child until the Initial Provider Assessment is completed and approved.</p> <p>If the county child welfare services agency determines that the Temporary Safety Provider is not suitable, another Temporary Safety Provider must be identified by the parent. If the parent cannot identify another Temporary Safety Provider, temporary custody of the child must be taken and a juvenile petition requesting non-secure custody must be filed by the county child welfare services agency conducting the CPS Assessment.</p>	<p>The county child welfare worker should speak with the Temporary Safety Provider after the parent has gained this person's agreement to care for the child. The Temporary Safety Provider must be informed that a county child welfare worker will need to make a home visit to conduct the Initial Provider Assessment.</p> <p>If the Initial Provider Assessment is positive, the county child welfare worker conducting the CPS Assessment should ask the Temporary Safety Provider to come for the child. If the county child welfare worker transports the child to the home of the Temporary Safety Provider, the parent should accompany the county child welfare worker to the home of the Temporary Safety Provider whenever possible.</p>

Safety Planning

Use of TPSA with Parents & Caretakers



Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
<p>Interviews during the CPS Assessment must be conducted in the sequence least likely to cause further risk to the alleged victim, or there must be documentation that reflects the rationale for the sequence in which the interviews were conducted.</p> <p><u>INITIAL CONTACTS WITH HOUSEHOLD MEMBERS</u></p> <p>Face-to-face interviews with the parents or primary caretakers with whom the child resides must:</p> <ul style="list-style-type: none"> • Be conducted the same day the child is seen; or • There must be documentation to reflect diligent efforts made or rationale for delaying the interview that does not compromise the safety of the child. <p>Face-to-face interviews with non-primary caretakers (family or friends) known to be living in the child's household must:</p> <ul style="list-style-type: none"> • Be conducted within seven calendar days of initiating the CPS Assessment; or • There must be documentation to reflect efforts made. <p>During the initial face-to-face contact with the parent(s)/caretaker(s), the county child welfare worker must:</p> <ul style="list-style-type: none"> • Discuss the allegations • Communicate that the CPS Assessment must be completed within 45 calendar days of the date of the report; • Provide a written explanation (e.g., a brochure) of the CPS Assessment response (Family Response or Investigative Response). The county child welfare worker must also verbally explain MRS and potential case decisions; • Assess the safety of all child(ren); • Assess ongoing risk; 	<p>Family-centered practice and the concept of involving parents and both their formal and informal supports in decision-making throughout service provision can be challenging at times. It is important to remember that every interaction with the family and their supports is an opportunity to make a connection. Take the time to engage the family and the individuals that comprise the family's support network. Recognize their strengths, help with transitions, provide choices, pay attention to the words used when interacting with families, and try to act as a change agent rather than an authority figure. Family members and their supports should be made to feel their involvement and participation throughout the life of the case is crucial and that their feedback is valued.</p>

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> Assess child well-being and family well-being; and Ascertain family strengths and needs using SEEMAPS or equivalent. <p>When this includes the children of an additional family unit living in the same home, a separate report and assessment must occur.</p> <p>CONTACTS IN ASSESSMENTS WITH ALLEGATIONS OF DOMESTIC VIOLENCE Separate interviews must be conducted with the non-offending parent/adult victim and alleged perpetrator of domestic violence. The non-offending parent/adult victim must never be placed in danger by having to be interviewed, develop safety plans, or meet with the perpetrator of violence against him or her.</p> <p>Information obtained from the non-offending parent/adult victim or children that may jeopardize the safety of the child or the non-offending parent/adult victim must not be shared, with the alleged perpetrator of domestic violence. Information shared, including information that may seem inconsequential, such as information about the non-offending/adult victim's whereabouts and/or schedule if he or she has left the home/relationship, can place the child and non-offending parent/adult victim in grave danger.</p>	<p>Interviewing non-primary caretakers living in the home is important because these individuals may have knowledge of the allegations through observation or they may have a significant relationship with the child. Except in very unusual circumstances, everyone living in the household should be interviewed or there should be documentation to reflect efforts made. One example where this might not be appropriate would be in a transient shelter.</p> <p>ASSESSMENT INTERVIEWS WITH NON-OFFENDING PARENT/CARETAKER The Non-Offending Parent/Adult Victim Domestic Violence Assessment Tool (DSS-5235) contains scaled assessment questions and should be used to support the determination of safety and risk factors.</p> <p>The inability to speak with the non-offending parent/adult victim alone may be an indication of the level of control the perpetrator of domestic violence exerts over the family and an indication of high risk.</p> <p>When interviewing the non-offending parent/adult victim of domestic violence:</p> <ul style="list-style-type: none"> Explain the process of the CPS Assessment; Provide an assurance that the children's safety (as well as theirs) is the goal of the CPS Assessment. Provide an assurance that the alleged perpetrator of domestic violence will not be confronted with the source of information, or any information concerning their safety plan that is shared (within the limits of confidentiality); Explain that they will be provided with referral information regarding safety for them and the children; and Use questions to gain information regarding the history of domestic violence, such as:

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
<p>POSTPONEMENT OF THE ALLEGED PERPETRATOR INTERVIEW</p> <p>When the interview with the non-offending parent/adult victim and the completion of the Safety Assessment indicate safety and the risk of harm is high, the county child welfare worker and supervisor may delay interviewing the alleged perpetrator, documentation must reflect:</p> <ul style="list-style-type: none"> • What steps were taken to identify the risk of harm to the child; and • The reasons for the postponement. <p>Once safety is assured, the required face-to-face interview must be conducted.</p>	<ul style="list-style-type: none"> ○ Their history of seeking help ○ Their plan for the children and himself or herself ○ The frequency/intensity of the domestic violence ○ If their partner has ever used physical force on him or her (pushed, pulled, slapped, punched, or kicked), ○ If he or she has ever been afraid for the safety of their children <p>The presence of relatives or friends may affect disclosure and safety. Information concerning resources and referrals to services should immediately be given to the non-offending parent/adult victim and children (as appropriate).</p> <p>ASSESSMENT INTERVIEW WITH THE ALLEGED PERPETRATOR Ask the alleged perpetrator of domestic violence about:</p> <ul style="list-style-type: none"> • Their relationship with the non-offending parent; • Parenting and child impact; and • Safety and well-being of the children. <p>ASSESSMENT INTERVIEW OF ALLEGED PERPETRATOR The Domestic Violence Perpetrator Assessment Tool (DSS-5234) contains scaled assessment questions and should be used to support the determination of the safety and risk factors.</p> <p>This will:</p> <ul style="list-style-type: none"> • Help to protect the county child welfare worker; and • Lessen the risk for children and the non-offending parent/adult victim.

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
	<p>The interview with the alleged perpetrator affords the opportunity to observe and document behaviors relative to the allegations, both positive and “concerning.” This observation supplements information obtained from:</p> <ul style="list-style-type: none"> ● Police reports; ● Criminal records; ● Hospital/medical records; ● The child(ren); and ● The non-offending parent/adult victim. <p>It is important to note that the alleged perpetrator may attempt to:</p> <ul style="list-style-type: none"> ● Present as the “victim”; ● To charm the county child welfare worker; ● Gain control of the interview; and/or ● Deny any domestic violence, insisting that the relationship is “perfect.” <p>During interviews with the perpetrator, the county child welfare worker should:</p> <ul style="list-style-type: none"> ● Focus on information from third party reports such as law enforcement, medical providers, or the Administrative Office of the Courts; ● Follow up on legal accountability and/or treatment and other service referrals for the alleged perpetrator; ● Convey to the alleged perpetrator that based on what happened (citing as much information as possible without compromising confidentiality or safety of the children, non-offending parent/adult victim, and/or the reporter) they will be required to take steps to stop the violence and ensure that the children are safe;

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
	<ul style="list-style-type: none">• Avoid debates and arguments with the alleged perpetrator. It is crucial that the focus of CPS is not to convince the alleged perpetrator to admit violent behavior, but to discuss how to ensure the child’s safety with them; and• Set limits within the interview and future interactions and document the behaviors that make limit setting necessary and their capacity to respect efforts at setting limits.

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
<p><u>HOME VISITS</u></p> <p>A home visit where the alleged victim child resides must:</p> <ul style="list-style-type: none"> • Occur the same day as the victim child is seen (even if the contact and interview of the child occurs in another location); • Occur at least once a month with the child in the home during the CPS Assessment; and • Include observation and contact with every child living in the home. <p>If the allegations are made against the non-resident parent, a home visit must also be made to that home prior to child visiting that home.</p> <p>Documentation must reflect the above or diligent efforts to accomplish these requirements.</p> <p>The county child welfare worker must not enter a home without at least one of the following:</p> <ul style="list-style-type: none"> • The permission of the alleged victim child’s parent or person responsible (adult) for the juvenile’s care; • The reasonable belief that a juvenile is in imminent danger of death or serious physical injury; • The accompaniment of a law enforcement officer who has legal authority to enter the residence; or • An order from a court of competent jurisdiction. 	<p>A home visit provides the county child welfare worker the opportunity to assess the safety of the child’s living environment and facilitates the observations of family interactions.</p> <p>The provision of Child Protective Services, including visiting and interviewing the child in their home with the parent’s permission, must not infringe upon any individual’s Fourth Amendment rights. Efforts to secure voluntary consent should never be coercive. The CPS Assessment worker should explain their role and express the desire to interview the child and to tour the home and property to assess safety, risk, and the strengths and needs of the family.</p> <p>While a complete home assessment includes a tour of all areas where the child sleeps, eats, and plays, considerations of county child welfare worker safety may not allow the tour to occur.</p>

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
<p>To assess the family’s living environment and how it impacts child safety, the county child welfare worker needs to tour the home and premises where the child sleeps, eats, and plays. The home assessment must specifically address:</p> <ul style="list-style-type: none"> • Fire safety and the case record must contain documentation that fire safety has been discussed with the family at least once during the assessment; • Firearm safety and the case record must contain documentation that firearm safety has been discussed with the family at least once during the assessment (see GS 14-315.1.); and • Safe sleep for infants. If an infant resides in the home, the county child welfare worker must specifically discuss safe sleeping and observe the sleeping arrangements. This must be documented on the structured documentation tool, DSS-5010, and covered in the Temporary Parental Safety Agreement when appropriate. <p>If after requesting to tour the home the county child welfare worker is denied access:</p> <ul style="list-style-type: none"> • The case must be staffed to determine if this tour is necessary to assess safety for the child(ren). If the decision is that a tour is necessary, the county child welfare services agency must consult with their county attorney about filing a petition for obstruction. • Documentation must reflect the concerns and rational for decisions made. 	<p>The home visit also supports the identification of resources within the neighborhood or community and the family’s access to these resources.</p> <p>The American Academy of Pediatrics and the Centers for Disease Control and Prevention provide guidance that an infant is defined as 0-12 months of age. For a handout on Healthy Child Development please visit: https://www.cdc.gov/ncbddd/childdevelopment/positiveparenting/pdfs/infants-0-1-w-npa.pdf</p> <p>For information regarding sleep-related infant deaths and recommendations to reduce the risk of occurrence, please refer to the American Academy of Pediatrics policy statement at: Updated 2016 Recommendations for a Safe Infant Sleeping Environment.</p>

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
<p><u>NON-RESIDENT PARENT</u></p> <p>The county child welfare services agency must contact any non-resident parent who does not live in the home where the child neglect, abuse, and/or dependency allegations are being assessed to get their input on the allegations and the overall safety and risk level in the home.</p> <p>If the non-resident parent cannot be located, the record must include documentation showing the diligent efforts made to locate. him or her.</p> <p>If contact with the non-resident parent may involve a safety threat and/or risk of harm to the child or to the resident parent/caretaker, the county child welfare services agency must:</p> <ul style="list-style-type: none"> • Specify and verify the safety threat and/or risk of harm; • State the reason(s) why contact is not in the best interest of the child and/or resident parent's/caretaker's safety; • Document the concerns and that the decision was reviewed and approved by a supervisor/manager; • Non-Resident Child and Non-Resident Child's Parent/Caretaker <p>There may be circumstances in which a parent has a child who does not live in the home where the child abuse, neglect, and/or dependency is alleged.</p> <p>If the child was present during alleged incidents of child abuse, neglect, and/or dependency, the child must be considered a victim child and the child and his/her parent/caretaker must be interviewed within the statutory time requirements.</p> <p>If it is known that the child visits the home but was not present during the alleged incidents of abuse, neglect, and/or dependency, the child and their parent/caretaker must be interviewed within 7 calendar days of initiation, or prior to a visit, and their safety assessed in the home where the allegations occurred as a part of the CPS Assessment.</p>	<p>Discuss with the non-resident parent the level of their involvement with the child and discuss if relatives may be a resource for the child. If the non-resident parent or the family is not involved in the child's life, it may be beneficial to ask what it would take for them to become involved.</p> <p>The resident parent may report that the non-resident parent has not been involved with the child to limit the non-resident parent's interactions in the CPS Assessment. This may provide a good opportunity to discuss the parents' relationship with each other, as well as information about the non-resident parent's last contact with the child and what the quality of the contacts has been. The child may also be able to report on their own relationship with the non-resident parent, and the contacts.</p> <p>A non-resident child and non-resident child's parent/caretaker may have important information related to the safety of the resident children. A decision for the non-resident child to have limited or no visitation with a parent may be due to safety risks or threats in the home. It is the responsibility of the non-resident child's parent/caretaker to protect the child and ensure his/her safety.</p>

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
<p>If the county child welfare services agency determines that a petition is needed for the protection of the children living in the home where the child abuse, neglect, or dependency occurred, the legal stability of the non-resident child’s living arrangement must be assessed.</p> <p>COLLATERAL CONTACTS</p> <p>At least <u>two collateral</u> contacts (people significant to the case) must occur during the CPS Assessment. As a part of a thorough CPS Assessment, the county child welfare services agency must:</p> <ul style="list-style-type: none"> • Contact all the collateral information sources identified by the family prior to making a case decision; • Contact any collaterals identified on the CPS Structured Intake Form. These contacts must be made prior to making the case decision. An interview with all persons named at the time of the report as having information relevant to the CPS Assessment must occur; and • Contact other persons or agencies known to be currently involved with the family or known to have knowledge of the situation. <p>If any of the above required contacts did not occur, there must be documentation regarding why the contacts did not occur.</p> <p>CONTACTS IN ASSESSMENTS WITH ALLEGATIONS OF DOMESTIC VIOLENCE</p> <p>Contact with collaterals:</p> <ul style="list-style-type: none"> • Information obtained from the non-offending parent/adult victim or children that may jeopardize the safety must not be shared; • Interviews with collaterals (neighbors, teachers, and extended family members) are required by policy and must be conducted with the understanding that their personal safety is a consideration that may affect their willingness to discuss the abuse/violence occurring within the family; • Written demands for information as provided for in N.C.G.S. §7B-302(e) must be utilized if needed by the county child welfare services agency to acquire confidential 	<p>Collateral contacts should be completed early during the assessment as the information gained should be used to help inform the case decision. Collateral contacts should be people that have significant knowledge of and contact with the family and child(ren), so they are able to answer questions related to the parent’s ability to provide a safe home for the children.</p> <p>CONTACTS IN ASSESSMENTS WITH ALLEGATIONS OF DOMESTIC VIOLENCE</p> <p>Collateral contacts being unaware of the occurrence of violence does not mean that it is not happening (domestic violence usually occurs in private and collaterals will not always be aware of the violence),</p>

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
<p>information from domestic violence programs and other collateral information sources.</p>	<p>and the case decision will not be based solely on information obtained from collateral contacts.</p>
<p><u>FOLLOW-UP VISITS & CONTACTS WITH THE FAMILY</u></p> <p>When the child(ren) are not interviewed during initiation, the county child welfare worker must continue to make efforts to interview the child(ren). This interview must be conducted as soon as possible and before the case decision is made.</p> <p>If face-to-face interviews with the parent(s) or primary caretaker(s) with whom the child resides are not conducted the same day the child is seen, the county child welfare worker must continue to make efforts to interview the parent(s) or primary caretaker(s). These interviews must be conducted as soon as possible and before the case decision is made.</p> <p>If face-to-face interviews with non-primary caretakers known to be living in the child's home are not conducted within 7 calendar days of initiating the CPS Assessment, the county child welfare worker must continue to make efforts to interview these non-primary caretakers. These interviews must be conducted as soon as possible and before the case decision is made.</p> <p>ONGOING CONTACTS</p> <p>The frequency of ongoing face-to-face contact with the child(ren) and parent(s)/caretaker(s) must be based on the safety and risk to the child(ren). Face-to-face contact with the victim child(ren) and parent(s)/caretaker(s) must occur at a minimum of twice a month and at least 7 calendar days apart with additional visits as needed to ensure the child's safety. The interview with the child(ren) must address safety and be separate from the parent/caretaker for part of the contact.</p> <p>Documentation must support the frequency of face-to-face contact.</p>	

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
<p>The county child welfare services agency must meet with the parents and the child(ren) throughout the CPS Assessment to:</p> <ul style="list-style-type: none"> • Ensure the safety of the child; • Assess ongoing risk; • Monitor the effectiveness of the safety intervention; • Assess progress toward addressing the safety threat or risk; • Monitor child well-being and family well-being; and • Ascertain family strengths. <p>Every contact with a family member must:</p> <ul style="list-style-type: none"> • Include visual observations of each person, their behavior, and the environment, especially related to safety or risk; and • Describe specific interactions with and between each family member. <p>The county child welfare worker must communicate promptly to the parent(s)/caretaker(s) verbally or in writing:</p> <ul style="list-style-type: none"> • Whenever a decision is made to extend the time to complete a CPS Assessment beyond 45 calendar days; and • The reason for the extension. <p>American Indian Child / ICWA</p> <p>The county child welfare services agency must inquire if the child(ren) is a member of an American Indian tribe or is eligible for membership. All assessments Substantiated or found to be Services Needed and transferred for In-Home Services must document there was an inquiry about a parent/caretaker's American Indian ancestry. If any American Indian ancestry is indicated, the ICWA checklist (DSS-5291) must be completed.</p>	<p>Ongoing contact with the family and significant others is critical in monitoring the child's safety and in knowing which services are most relevant.</p> <p>If information has not already been obtained and documented in the case file, the agency should continue to inquire, at least once a month, about:</p> <ul style="list-style-type: none"> • Any absent parent; and • Extended family members or other extended social networks. <p><u>From the OSRI:</u></p> <p>If the child is older than an infant (0-12 months), the county child welfare worker must see the child alone for at least part of each contact.</p>

Contacts During the Assessment

Protocol – What you must do	Guidance – How you should do it
Mexican Heritage The county child welfare services agency must inquire if the child(ren) has Mexican heritage. All assessments Substantiated or found to be Services Needed and transferred for In-Home Services must document there was an inquiry about a child's Mexican heritage.	

Two-Level Decision Making/Role of the Supervisor

Protocol – What you must do	Guidance – How you should do it
<p><u>CASE STAFFING/SUPERVISION</u></p> <p>The social work supervisor and assigned child welfare case worker must staff each assessment case:</p> <ul style="list-style-type: none"> • Frequently enough to ensure the safety of all victim children, but at a minimum of once every other week; and • Whenever there is a change in circumstances that impacts safety and/or risk to a child(ren). <p>Staffing must cover but not be limited to:</p> <ul style="list-style-type: none"> • Risk of maltreatment; • Safety and Temporary Parental Safety Agreement, if in place; • Family home environment; • Family's strengths and needs; • Child well-being, parent well-being, and family well-being; • Progress toward addressing any safety threat or risk; and • Review of the ongoing family and collateral contacts. <p>Two-level decisions/reviews must occur on every CPS Assessment at the following times:</p> <ul style="list-style-type: none"> • When the Risk Assessment and Strengths and Needs Assessment are completed; • Prior to initiating or terminating the use of a Temporary Safety Provider; • At completion of the Safety Assessment and prior to implementation of a Temporary Parental Safety Agreement; • Before modification of a Temporary Parental Safety Agreement; • Regarding diligent efforts to locate a child/family and when these efforts can end; • At case decision; • Prior to filing a petition; and • Whenever there is a change in circumstance that impacts the safety and/or risk to a child(ren). <p>Two-level decisions/reviews must occur within the context of a staffing between the county child welfare worker and a county child welfare supervisor at a minimum.</p>	<p><u>CASE STAFFING/SUPERVISION</u></p> <p>Case staffing can occur in various forms. The focus of case staffing is to ensure that the case child welfare worker follows North Carolina child welfare policy, addresses family needs, and monitors risk, safety, and family progress. Supervision provides coaching and support to the county child welfare worker. This may be accomplished through an office meeting but could also occur when a supervisor attends a home visit or other family meeting with a child welfare worker.</p> <p>To ensure that every case includes all required documentation and two-level decision making, each county child welfare services agency should develop a method to indicate supervisory review of the case file for compliance with policy and protocol.</p>

Two-Level Decision Making/Role of the Supervisor

Protocol – What you must do	Guidance – How you should do it
<p>To dispose of the maltreatment allegations, enter contributory factors, review assessment results (Safety Assessment, Temporary Parental Safety Agreement, Risk Assessment, Strengths & Needs), review RIL information and to document the disposition/case decision date and a summary of case closure activities a Second Level Decision in NC FAST must be submitted. Signatures of the county child welfare worker and supervisor are required if the CPS Assessment Documentation Tool is not completed in NC FAST.</p> <p>The case supervisor must review every CPS Assessment case file for compliance with policy and protocol.</p>	

Using the Child Medical Evaluation Program (CMEP)/Child and Family Evaluation Program

Protocol – What you must do	Guidance – How you should do it
<p>Medical and psychological resources, such as the Child Medical Evaluation Program (CMEP) / Child and Family Evaluation Program (CFEP), must be utilized, when appropriate, as a component of a thorough CPS Assessment for alleged victims of neglect and/or physical, sexual, and/or emotional abuse. County child welfare workers engaged in conducting CPS Assessments must use professional judgment in determining when a CMEP and/or CFEP evaluation is necessary.</p>	<p>Refer to Section 1422 - CHILD MEDICAL & CHILD/FAMILY EVALUATION PROGRAM of Chapter VIII.</p> <p>A CMEP and/or CFEP evaluation should be considered if the county child welfare worker has questions about any of the following issues:</p> <ul style="list-style-type: none"> • Significant delay in the child's developmental skills; • Significant delay in the child's physical development; • Unusual and unexplained lethargy or irritability; • Untreated or inadequately treated medical conditions which have significant impact on the child's overall health or physical development; • Children affected when one parent abuses the other; • Sexual contact between children initiated as a CPS assessment for parental supervision issues; or • A child has received a non-serious injury from an unknown perpetrator. <p>This list is not intended to be all-inclusive. There may be other instances in which a CMEP and/or a CFEP may be considered appropriate as part of the CPS Assessment.</p>

Interference with a CPS Assessment

Protocol – What you must do	Guidance – How you should do it
<p>There will be instances when a county child welfare services agency must file an obstruction/interference petition to proceed with the CPS Assessment.</p> <p>The petition must:</p> <ul style="list-style-type: none"> • Articulate and verify evidence that the obstruction occurred without lawful excuse and that obstruction interfered with the agency's duty to investigate pursuant to 7B-303. <p>Although the scope of a hearing on an interference petition does not extend to whether a child is in fact abused/neglected/dependent, the allegations of the report must meet the criteria for A/N/D.</p> <p>Obstruction of or interference with the CPS Assessment includes:</p> <ul style="list-style-type: none"> • Refusing to disclose the whereabouts of the juvenile; • Refusing to allow the agency to have personal access to the juvenile; • Refusing to allow the agency to observe or interview the juvenile in private; • Refusing to allow the agency access to confidential information and records upon request; • Refusing to allow the director/agency to arrange for an evaluation of the juvenile by a physician or other expert; or • Other conduct that makes it impossible for the director/agency to carry out the duties necessary to make a thorough assessment of the safety and risk of the children. 	<p>When a person or entity interferes with the CPS assessment process, it is the worker's obligation to adequately explain the need to thoroughly complete the assessment to ascertain the safety and well-being of the child. Often, having a rational, non-threatening but frank discussion with the family or organization impeding the CPS assessment can result in cooperation. This discussion can center on explaining the child welfare process, emphasizing service provision to the family and explaining that not every child that comes to the attention of a county agency is removed from their families. This discussion is not a bargaining session, as the law is very clear that an order related to obstructing with or interfering with a CPS Assessment is enforceable by either civil or criminal contempt. Rather, the discussion is meant to model the partnership process by listening to and acknowledging fears, understanding feelings, and explaining the need to proceed with the assessment within the provisions of the law.</p> <p>The provision of Child Protective Services, including visiting and interviewing the child in their home with the parent's permission, does not infringe upon Fourth Amendment rights. Securing parental consent to interview the child is vital; efforts to secure voluntary consent must never be coercive. The county child welfare worker should explain their role and express a desire to interview the child to assess safety, risk, and the strengths and needs of the family. It is important to remember that the county child welfare worker agency's ability to interview children at school or at child care centers has not been compromised – schools and child care centers are not private residences.</p>

Interference with a CPS Assessment

Protocol – What you must do	Guidance – How you should do it
<p>Filing the Petition: Obstruction of or Interference with Juvenile Investigation</p> <p>A county child welfare services agency can file a petition at any point during the CPS Assessment process if any person obstructs or interferes with the CPS Assessment. The county must name the person as a respondent and request from the court an order directing that person to cease such obstruction or interference using forms:</p> <ul style="list-style-type: none"> • Obstruction of or Interference with Juvenile Investigation (form AOC-J-120); and • Juvenile Summons and Notice of Hearing for Obstruction of or Interference with Juvenile Investigation (form AOC-J-121). <p>The person obstructing the CPS Assessment is not limited only to a parent or family member.</p> <p>If the court finds that there was obstruction or interference, the court will issue an Ex Parte Order to Cease Obstruction of or Interference with Juvenile Investigation (form AOC-J-122).</p> <p>The reporter's identity remains confidential. However, the judge may order disclosure of the reporter during the hearing.</p>	<p>The debate regarding parental rights versus the provision of Child Protective Services is an issue that has existed for some time. The Fourth Amendment to the U.S. Constitution reads as follows, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."</p> <p>Despite best efforts to engage in family-centered practice, there will be instances where a county child welfare services agency must file an obstruction or interference petition to proceed with the CPS Assessment. If the family or person interfering with or obstructing the assessment is still unwilling to cooperate, they should be informed (again, in a rational and non-threatening manner) of the law and the potential outcomes of the filing of a petition in court.</p>

Decision Making and Case Closure

Protocol – What you must do	Guidance – How you should do it
<p><u>USING THE ASSESSMENT TOOLS</u></p> <p>Prior to or at the time of the case decision, the CPS Assessment tool must be documented in NC FAST and the following must be completed:</p> <ul style="list-style-type: none"> • The North Carolina Family Risk Assessment of Abuse / Neglect (DSS-5230); and • The North Carolina Family Assessment of Strengths and Needs (DSS-5229) must be completed during the CPS Assessment. <p>The North Carolina Family Risk Assessment of Abuse / Neglect (DSS-5230) must be completed on the home of the alleged perpetrator. In cases where both parents are alleged perpetrators and they live in separate homes, a North Carolina Family Risk Assessment of Abuse / Neglect (DSS-5230) must be completed for each home.</p> <p>The North Carolina Family Risk Assessment of Abuse / Neglect (DSS-5230) and the North Carolina Family Assessment of Strengths and Needs (DSS-5229) must be completed based on all information obtained during the assessment (including information associated with a new report), including:</p> <ul style="list-style-type: none"> • Face-to-face interviews with and/or observation of parents, caregivers, others living in the child(ren)'s home, and children; and • Pertinent collateral contacts. <p>Prior to or at the time of the case decision, the CPS Assessment case decision must be documented on the Case Decision Section of the CPS Assessment Documentation Tool (DSS-5010) and must:</p> <ul style="list-style-type: none"> • Be a shared decision, including at a minimum, the county child welfare worker and the county child welfare supervisor or supervisor's designee or staffing team; 	<p>County child welfare workers must still use their professional judgment and their social work skills when completing assessments and making decisions about the case. These tools do not take the place of complete documentation in the case record.</p> <p>Determining whether a child is abused, neglected, and/or dependent requires careful assessment of all the information obtained during the CPS Assessment process. In making a case decision, it is important to assess not only that maltreatment has occurred, but also the current safety issues, any future risk of harm, and the need for protection.</p> <p>USE OF NC FAMILY RISK ASSESSMENT</p> <p>Items N2. and A2. on the Risk Assessment have ratings for families identified with a history of CPS reports. Occasionally a family comes to the attention of a county child welfare services agency with a number reports within the past year or two. County child welfare agencies should consider additional questions to determine if there is pattern or other factors for assessment prior to a case decision.</p> <p>Refer to Investigative Assessments or Family Assessments for more guidance regarding case decisions.</p>

Decision Making and Case Closure

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> • Be correct based on the legal definitions (explain the context of the abuse, neglect, and/or dependency and how it relates to the child maltreatment); • Document specific caretaker behavior that resulted in harm to the child(ren) or clarify the absence of risk of harm; • Identify the effects of neglect, abuse and/or dependency on the child(ren); • Identify the steps taken by the agency and/or parent to protect the child(ren); • Identify the family strengths and needs; • Document the need for continued involuntary services to address the identified safety issues and future risk of harm to the child(ren); and • Be made within 45 calendar days for a CPS Assessment, or there must be documentation to reflect the rationale to extend the CPS Assessment beyond the required timeframes. <p><u>MAKING THE CASE DECISION</u></p> <p>The CPS Assessment Documentation Tool must document answers to the following questions:</p> <ol style="list-style-type: none"> 1. Has the maltreatment occurred with frequency and/or is the maltreatment severe? 2. Are there current safety issues? Would the child be unsafe in the home where the abuse, neglect, or dependency occurred? (Note: If the child(ren) is separated from their parent or access is restricted and that separation/restriction continues to be necessary due to safety issues, then this question must be answered “yes.”) 3. Is the child at risk of future harm? 4. Is the child in need of protection? <p>To make a case decision to substantiate or find services needed, the answer to one or more of the above questions must be “yes.” See Family Assessment for</p>	

Decision Making and Case Closure

Protocol – What you must do	Guidance – How you should do it
<p>additional protocol and guidance regarding case decisions. See Investigative Assessment for additional protocol and guidance regarding RIL.</p> <p>Only in unusual circumstances should a supervisor and staffing team change the indicated structured case decision. In those cases, the supervisor must complete the “Rationale for Case Decision/Disposition” to justify the change.</p> <p>When the assessment involves a member of a state or federally recognized American Indian tribe, the DSS-5335 and DSS-5336 must be completed. See Cross Function Topic Special Legal Considerations and the Indian Child Welfare Act (ICWA).</p> <p>DECISION MAKING IN DOMESTIC VIOLENCE ASSESSMENTS</p> <p>When completing the four questions that are a part of the case decision, the answers to the following questions must be included:</p> <ul style="list-style-type: none"> • Have the children intervened in the domestic violence? (whether the child was injured or not, their direct involvement presents extreme risk) • Is there an established pattern of domestic violence that is chronic or severe? • Have the children exhibited extreme emotional or behavioral problems, or been diagnosed with mental health conditions such as PTSD, depression, anxiety, or fear because of living with domestic violence? • Has there been a coexistence of domestic violence and substance abuse that impedes the non-offending parent/adult victim’s ability to assess the level of danger in the home? (substance abuse may exacerbate the violence, increasing risk to the children and non-offending parent/adult victim); • Has the non-offending parent/adult victim been threatened or injured in the presence of the children? • Has the non-offending parent/adult victim been hospitalized for injuries resulting from domestic violence? 	<p>DECISION MAKING IN DOMESTIC VIOLENCE ASSESSMENTS</p> <p>For CPS assessments with allegations of domestic violence, every effort should be made to hold the perpetrator of domestic violence accountable for the violence and to only hold the non-offending parent/adult victim accountable for the actions they did or did not take to protect the children.</p> <p>Documentation should reflect the non-offending parent/adult victim’s response to offers of help They should be held responsible for failing to protect the children.</p> <p>When domestic violence is the only factor in a family situation, it is not acceptable to substantiate abuse or neglect on the non-offending parent/adult victim solely for the actions of the perpetrator of domestic violence who caused the situation. If, however, the non-offending parent/adult victim has abused and/or neglected the child, such a case decision is appropriate. Only when a non-offending parent/adult victim is given the necessary offers of help and the support system to protect themselves and children, then acts contrary to that help and</p>

Decision Making and Case Closure

Protocol – What you must do	Guidance – How you should do it
	<p>support, can he or she be substantiated on for failing to protect the children.</p> <p>When making the decision of whether to hold the non-offending parent/adult victim responsible for the abuse, neglect, or dependency of their child(ren), the following factors should be considered:</p> <ul style="list-style-type: none"> ● The non-offending parent/adult victim’s history of: <ul style="list-style-type: none"> ○ Using domestic violence shelters or programs; ○ Calling law enforcement; ○ Utilizing court services for domestic violence protection orders; ○ Making or attempting to make other arrangements to protect the child, such as taking them to a relative’s or friend’s house; ○ Cooperation with past child welfare services and possible motives for lack of engagement, including but not limited to a lack of trust in the child welfare system’s ability to keep them or the child(ren) safe; and ○ Past efforts to protect the child(ren). ● The level of risk and safety factors for the child now.

Notifications

Protocol – What you must do	Guidance – How you should do it
<p>The CPS Assessment case decision must be reported in writing to:</p> <ul style="list-style-type: none"> • The caretakers or parents alleged to have abused, neglected, and/or rendered the child dependent; • The primary caretakers or parents with whom the child resided at the time the agency initiated the CPS Assessment; • Other parents as appropriate; • Any agency in which the court has vested legal custody; • The licensing authority as appropriate; • The RIL, if appropriate, • The Central Registry (Assessment completion in NC FAST fulfills this requirement); and • All reporters, including those who reported the same allegations and incidents after the initial report was accepted. <p>Within <u>five</u> working days of the completion of the CPS Assessment, the reporter must be given written notice of the county child welfare services agency's findings, actions being taken, and the process for requesting a review by the District Attorney of the county child welfare services agency's decision not to file a juvenile petition. If the reporter waives the right to notice or is anonymous, this does not apply.</p> <p>When a Temporary Safety Provider was utilized, the county child welfare services agency must communicate with them the status of the case and need for the Temporary Safety Provider.</p> <p>For additional information, please see Confidentiality in the Intake section of the manual.</p> <p>REVIEW BY PROSECUTOR AT REQUEST OF REPORTER</p> <p>Upon receipt of the county child welfare services agency's decision not to petition the court, the person who made the report has five working days to notify the prosecutor to request a review of this decision. If a review is requested by the person who made the report, the county child welfare services agency must send a copy of the report and a summary of the assessment to the prosecutor within three working days.</p>	<p>The county child welfare services agency fulfills the requirement to notify the Central Registry by electronically submitting the Report to Central Registry / CPS Application (DSS-5104) to the North Carolina Division of Social Services. For additional state policy and other information, see Chapter VIII: Section 1426 - Central Registry.</p>

Special Categories of Cases Requiring a CPS Assessment

Protocol – What you must do	Guidance – How you should do it
<p><u>CPS ASSESSMENTS INVOLVING MORE THAN ONE COUNTY</u></p> <p>Refer to Chapter V - Jurisdiction in Child Welfare for information on CPS Assessments involving more than one county. An open CPS Assessment must not be transferred to another county.</p> <p>Refer to Chapter VIII: Section 1410 Conflict of Interest of this manual for information on providing Child Welfare Services when there is a conflict of interest or a perceived conflict of interest.</p> <p><u>CPS ASSESSMENTS OF OUT-OF-HOME PLACEMENTS</u></p> <p>Refer to Chapter V - Jurisdiction in Child Welfare for information on CPS Assessments involving reports of abuse and/or neglect in out-of-home placements.</p> <p><u>MALICIOUS CPS REPORTS</u></p> <p>A malicious report is one in which the reporter knowingly and willfully makes untrue statements that the juvenile is abused, neglected, and/or dependent. At the completion of the CPS Assessment, if the county child welfare worker states to their county child welfare supervisor that the report was a malicious report, the county child welfare supervisor brings this to the attention of the county child welfare services agency director.</p> <p>In response to a recommendation from the House Interim Committee on Child Abuse and Neglect, Foster Care and Adoptions the Division of Social Services, in collaboration with the North Carolina Association of County Directors of Social Services, procedures have been developed for documenting and tracking malicious reports.</p> <p><u>MEDICAL NEGLECT OF INFANTS WITH LIFE-THREATENING CONDITIONS</u></p> <p>See Chapter VIII: Section 1438 - Investigative Assessments of Medical Neglect of Infants with Life-Threatening Conditions.</p>	<p>A form has been developed to collect this information entitled, “Documentation of Malicious Reports.” The form should be completed at the time that the county child welfare services agency director and county child welfare supervisor meet to discuss the malicious report. The county child welfare worker assigned to the report does not participate in this conference. The form should contain no identifying information about the reporter or the family beyond the information that led the county child welfare services agency to suspect that the report was made maliciously. The form should be easily accessible by the appropriate staff but should never be placed in the child’s or family’s case record.</p>

Special Categories of Cases Requiring a CPS Assessment

Protocol – What you must do	Guidance – How you should do it
<p><u>SUBSTANCE AFFECTED INFANTS</u> See Chapter VIII: Section 1439 – Substance Affected Infants.</p> <p><u>SAFE SURRENDER</u> The CPS Assessment of a safely surrendered infant does not alter any of the requirements to complete a CPS Assessment.</p> <p><u>Initiation on Safe Surrender Cases</u> The assigned county child welfare services agency must:</p> <ul style="list-style-type: none"> • Assume custody of the infant and file a petition alleging dependency. <ul style="list-style-type: none"> ○ If the infant has not received medical attention, arrange this immediately. Request that a physician evaluate the child, estimate a birth date, and complete a birth certificate with the name “Safe County Name Surrender.” If an original birth certificate is later found, the safe surrender version will be destroyed. ○ Arrange for placement of the infant. • Make reasonable efforts to locate the parents. <ul style="list-style-type: none"> ○ Initiate contact with law enforcement and request a search of the North Carolina Center for Missing Persons and other national and state resources to determine whether the infant is a missing child. ○ If the parent is identified: <ul style="list-style-type: none"> ▪ Efforts must be made to counsel the parent about the relinquishment of the child for the purpose of adoption (DSS-1804) and the benefits of completing the relinquishment on behalf of the surrendered child. If the biological parent signs the relinquishment forms, DSS does not have to adjudicate or pursue TPR to clear the infant for adoption from that parent. See Chapter VI: Adoption Services-Specifically Section 1302 Legal Guides. ▪ Inquiries must be made as to the medical history of the mother and father. ▪ A thorough CPS Assessment must be conducted, including an assessment of the safety of other children known to be in the family. 	

Special Categories of Cases Requiring a CPS Assessment

Protocol – What you must do	Guidance – How you should do it
<p>In situations where the identity of the parent(s) are known by any individual involved, the identity must be included in the assessment. An individual who safely surrenders an infant is free from criminal and civil liability. However, this does not change the requirement to make reasonable efforts to locate the parents, to prevent placement, and to reunify the family after placement.</p> <p>The parent does not have to provide information as to their identity.</p> <p><u>Case Decision for Safe Surrender Cases</u></p> <p>All required activities and Structured Decision-Making forms must be completed prior to making a case decision. Absent additional allegations, the case decision must reflect a finding of dependency.</p> <p>There must be documentation in the file indicating that the identity of the parent(s) is unknown as this was a safe surrender.</p> <p><u>HUMAN TRAFFICKING</u></p> <p>The requirements of a CPS Assessment are not altered when it involves allegations of human trafficking. County child welfare workers must assess the safety and risk of human trafficking victims within the context of North Carolina child welfare policy and practice.</p> <p>However, there are additional requirements for all child welfare cases involving confirmed or suspected human trafficking of a child. See Cross-Function Topic: Human Trafficking for additional protocol and guidance.</p>	<p>When conducting a CPS Assessment involving allegations of human trafficking, county child welfare workers should assess the circumstances with consideration to the known risk factors and indicators of human trafficking:</p> <p>Risk factors:</p> <ul style="list-style-type: none"> • History of running away or getting kicked out of home; • History of homelessness or housing instability; • History of sexual abuse; • History of physical abuse; • History of sexual offense; • History of delinquent or reckless behavior (involvement with law enforcement or juvenile justice); • History of neglect or basic needs not having been met; • History of alcohol or substance use disorder; • Current or past involvement in the child welfare system; • History of depression/mood disorder; • Exposure to domestic violence; • Family instability; • Excessive absences from school;

Special Categories of Cases Requiring a CPS Assessment

Protocol – What you must do	Guidance – How you should do it
	<ul style="list-style-type: none"> • Identifies as lesbian, gay, bisexual, or transgender (LGBT); • Has disabilities, especially intellectual disability; • Immigration status; • Poverty; • Unemployment; and • Lack of transportation. <p>Indicators:</p> <ul style="list-style-type: none"> • Visible signs of abuse such as unexplained bruises, cuts, marks; • Fear of person accompanying them; • Wearing new clothes of any style or getting hair or nails done with no financial means to do this independently; • Exhibit hyper-vigilance or paranoid behavior; • A young person with a tattoo which he or she is reluctant to explain; • Frequent or multiple sexually transmitted diseases, STIs, or pregnancies; • Truancy or tardiness from school; • Unaccounted for times, vagueness concerning whereabouts, and/or defensiveness in response to questions or concerns. <p>The following risk factors, indicators and vulnerabilities should be considered for foreign nationals:</p> <ul style="list-style-type: none"> • History of trauma, including civil unrest or prolonged community violence;

Special Categories of Cases Requiring a CPS Assessment

Protocol – What you must do	Guidance – How you should do it
<p>The North Carolina Safety Assessment (DSS-5231) and assessment tools are only completed with parents, guardians, custodians, or caretakers. These tools must not be completed with perpetrators who are not a parent, guardian, custodian, or caretaker. In cases where the alleged perpetrator is not a caretaker, the county child welfare worker must assess the parent, guardian, custodian, or caretaker's ability and/or willingness to keep the child safe.</p>	<ul style="list-style-type: none"> • Social isolation; • Lack of legal status (documentation). <p>These lists may not be inclusive of all risk factors, indicators and vulnerabilities.</p> <p>The child's home of origin should also be assessed, and the county child welfare worker should consider and/or ask questions about:</p> <ul style="list-style-type: none"> • The child or youth's decision to leave home, if applicable; • Whether the parent/caretaker allowed access by the alleged perpetrator; • If there was active or passive participation in the trafficking by the parent/caretaker; • The ability of the parent/caretaker to care for the child; • The ability of the parent/caretaker to prevent the child or youth from running away; and • The legal connection of any individual claiming to be a parent, relative, caregiver, or legal custodian to the child. In many cases traffickers will present themselves as a parent, relative, or legal custodian <p>Additionally, the county child welfare worker should consider the possible connection collateral contacts have with the trafficking perpetrator.</p>

Special Categories of Cases Requiring a CPS Assessment

Protocol – What you must do	Guidance – How you should do it
<p>County child welfare workers must collaborate with human trafficking victim organizations and advocates to address the unique safety issues for children who are victims of human trafficking. See list of Service Providers and Other Referrals in Human Trafficking Cases by County.</p> <p>When making a case decision on an assessment of suspected human trafficking, the county child welfare worker must determine what role the parent played, if any. There must be a substantiation of both abuse and neglect for a child who is found to be a human trafficking victim. If the child is found to be a victim of sexual servitude under G.S. 14-43.13, sexual abuse must be one of the maltreatment types found. No perpetrator name is entered on the DSS-5104 in cases where the perpetrator is not the parent, guardian, custodian, or caretaker. See Chapter VIII: Protective Services, Section 1426 – Central Registry.</p>	<p>Immediate safety issues may include but are not limited to:</p> <ul style="list-style-type: none"> • Access of the trafficker to the child; • Child or youth's lack of safe housing or a safe place to stay; • Safety issues in the home of the parent, guardian, custodian, or caretaker; and • Risk of child or youth running away.

MRS Requirements

MRS Requirements
<p>The strategies of the Multiple Response System (MRS) impacts CPS Assessments through:</p> <ul style="list-style-type: none">• The ability to assign CPS Assessments to one of two tracks:<ul style="list-style-type: none">○ The Family Assessment; or○ The Investigative Assessment.• The requirement for collaboration between CPS and:<ul style="list-style-type: none">○ Work First; and○ Law Enforcement (LE). <p>The purpose of the two assessment tracks is to:</p> <ul style="list-style-type: none">• Protect the safety of children in the most severe cases by not treating all reports in the same way, and missing some clear need for immediate action;• Engage some families in services that could enable them to better parent their children;• Not overlook vital information about the strengths of the family, the supports they have, and their motivation to change; and• Better serve many of the families reported to CPS in ways that focus more on helping rather than “punishing” them. <p>Family-centered practice and the concept of involving parents in decision making throughout service provision is applicable to both Family Assessments and Investigative Assessments. The county child welfare worker must take the time to engage the family, to recognize the family’s strengths, to pay attention to the words used when interacting with families, and to act as a change agent by giving the family choices that guide the family with planning and transitions.</p> <p>Collaboration with Law Enforcement on Investigative Assessments supports:</p> <ul style="list-style-type: none">• Achieving joint efforts in interviewing and ensuring safety of families and children;• Ensuring an effective working relationship;• Holding perpetrators accountable for harming children;• Reducing the number of interviews children experience, thereby preventing and reducing re-traumatization; and• Enhancing collection of evidence for criminal prosecution. <p>Collaboration with Work First on all CPS Assessments will impact families through:</p> <ul style="list-style-type: none">• Reducing the number of times family members need to repeat the same information;

MRS Requirements

MRS Requirements
<ul style="list-style-type: none"> • Involving Work First as a preventative effort; • Reducing the number of children needing CPS and Permanency Planning services; and • Preventing recidivism of abuse, neglect, and dependency by providing ongoing services through Work First. <p><u>FAMILY AND INVESTIGATIVE ASSESSMENTS: DEFINITIONS AND WHEN TO USE EACH APPROACH</u></p> <p><u>Family Assessment</u></p> <p>The Family Assessment track is a response to selected reports of child neglect and dependency using a family-centered approach that is protection- and prevention-oriented and that evaluates the strengths and needs of the juvenile’s family, as well as the condition of the juvenile. The Family Assessment track is based on family support principles and offers a much less adversarial approach to a CPS Assessment. The Family Assessment track focuses more on establishing a partnership with the family and less on the authoritarian approach. The goal of this track is to develop true partnerships to ensure safety of the child.</p> <p><u>Investigative Assessment</u></p> <p>The Investigative Assessment track is a response to reports of child abuse and selected reports of child neglect and dependency using a formal information gathering process to determine whether a juvenile is abused, neglected, or dependent.</p>

Protocol – What you must do	Guidance – How to do it
<p><u>WHEN TO USE EACH APPROACH</u></p> <p>See Intake Policy for more information.</p>	<p>The county child welfare services agency may assign any valid CPS report (abuse, neglect, and/or dependency) to the Investigative Assessment track, if deemed necessary to ensure the safety of the child.</p> <p>The county child welfare services agency may assign any valid CPS report alleging neglect and/or dependency as a Family Assessment except for certain specific neglect cases.</p>

MRS Requirements

Protocol – What you must do	Guidance – How to do it
<p><u>SWITCHING APPROACHES/TRACKS</u></p> <p>All decisions to change assessment response tracks must be done with supervisory approval. Documentation in the record must clearly show why such a decision was made to switch approaches and how it helped ensure the safety of the child.</p>	<p>A CPS Investigative Assessment may be switched to a Family Assessment response if the report could have been assigned as such if the true situation was known at CPS Intake.</p> <p>Any report initially initiated using a Family Assessment response may be switched to an Investigative Assessment if the report should have been assigned as such if the true situation was known at CPS Intake.</p> <p>Any instance in which the child's safety cannot be ensured through the Family Assessment response should be staffed with the supervisor for consideration of switching to the investigative approach. This may be due to lack of parental cooperation or changing circumstances.</p> <p>Switching tracks during a CPS Assessment should not be done frequently or without a thorough discussion of the case between the county child welfare worker and the county child welfare supervisor.</p> <p>There may be instances during a Family Assessment that require the agency to file a petition with the Juvenile Court to protect the child. The agency is not required to switch to an Investigative Assessment in these cases. A finding of Services Needed would be appropriate to document the safety and risk issues and how those safety and risk issues prevent the child from remaining safely in the home.</p>

MRS Requirements

Protocol – What you must do	Guidance – How you should do it
<p><u>FAMILY ASSESSMENT</u></p> <p>INITIAL CONTACT</p> <p>The county child welfare worker must initiate face-to-face individual interviews with each child within 72 hours or sooner, based on the determination of the response timeframe. The county child welfare services agency must decide with whom to make the initial contact based on the allegations and the situation.</p> <p>The county child welfare services agency must contact the parent/caretaker to schedule the initial family contact. If the county child welfare services agency is unable to reach the parent/caretaker to schedule the initial family contact, initiation with the child must still occur within the designated timeframe. Initiation with the child(ren) can occur in this situation without scheduling the contact and without the need to switch the assessment track/approach.</p> <p>When the county child welfare worker is unable to initiate the assessment within the prescribed timeframe, there must be documentation in the case record describing the diligent efforts made and reasons why they were unsuccessful.</p> <p>For DV cases, refer to DV initiation protocol.</p>	<p>The Family Assessment allows much latitude in how assessments are initiated and completed. In using a family-centered approach, the first face-to-face contact on most cases will be with all family members together, followed by individual contact with each child, separate from the parent, caretaker, and/or perpetrator. However, each case should be addressed as unique and distinctive, and the approach should be adjusted to the needs of each family.</p> <p>Attention should be paid to verbal and non-verbal cues from the child that might lead the county child welfare worker to feel that this child needs to be interviewed in a different setting as well. Each child should be interviewed in the way that will best provide safety and build rapport with the family for future services. As always, safety is the first concern, while keeping in mind the goal of respecting and partnering with parents.</p> <p>If the CPS report alleges that the children have marks/injuries, the county child welfare worker should observe the marks as a part of the Family Assessment. To remain as family-centered as possible and ensure the parents are engaged in the Family Assessment, this should be done in the presence of the parents if the safety of the child is not compromised as a result.</p> <p>The Family Risk Assessment of Abuse/Neglect and Family Assessment of Strengths and Needs tools should be introduced to the family during the initial meeting while explaining the Family Assessment process. This will allow the family to be fully informed about the Family Assessment process and what information the agency will use to make the case finding. If a family informs the county child welfare worker that it is</p>

MRS Requirements

Protocol – What you must do	Guidance – How you should do it
	<p>their desire not to have the tools completed with them, the county child welfare worker should use their knowledge of the tools as a resource to refer to during the Family Assessment or while explaining the case finding. County child welfare workers should not force a family to have the tools completed in their presence as this is the family's choice. Introducing the tools to the family early in the assessment process can also "bring families along" as partners in the Family Assessment and reduce opportunities for misunderstanding. It naturally follows that the family will be offered the opportunity to sign the forms. There is ample space on the tools for this, but no expectation for signatures.</p>
<p>FAMILY ASSESSMENT CASE FINDINGS</p> <p>Services Needed - This finding is appropriate when neglect and/or dependency was found to have occurred, and where the safety issues and future risk of harm is so great that the agency must provide involuntary services to ensure the safety of the child. The finding of Services Needed must be made, and the county child welfare services agency must continue to provide involuntary CPS In-Home Services in every case the agency believes:</p> <ul style="list-style-type: none"> • The family must be involved with services (of any type, provided by any agency or individual) for the child to safely remain in the home; or • The child would not be safe if the family ever becomes noncompliant with services. <p>A finding of Services Needed must be made if the answer is yes to one or more of the questions on the structured CPS Assessment Documentation Tool (DSS-5010) concerning frequency and severity of:</p> <ul style="list-style-type: none"> • Maltreatment; 	<p>FAMILY ASSESSMENT CASE DECISION-MAKING</p> <p>While the Family Assessment approach is family-centered, the case decision is a decision that rests with the county child welfare services agency. The family does not have equal decision-making power.</p> <p>In determining severity of maltreatment, consideration should be given to the degree of harm, level of severity, extent of injury, egregiousness, gravity, and the seriousness of maltreatment. In determining current safety, consider safety issues that exist at the time of making the case decision.</p> <p>Findings of Services Needed should be made for situations in which the safety and risk of harm is so great that the agency cannot walk away from this family without either providing services or monitoring those provided by another agency or provider. A finding of Services Needed is appropriate if the answer to the following question is yes: Would the child be at risk of removal if the family discontinued a service identified during the CPS Assessment as necessary to address safety or risk?</p>

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Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> • Current safety issues; • Risk of future harm; and • Child in need of protective services. <p>There must be documentation to support the answers included on the case decision tool.</p> <p>Any case in which there is a finding of Services Needed must meet the criteria for opening 215, CPS In-Home Services, which includes that “without effective preventive services, the child is at risk of being placed in foster care.”</p> <p>If the decision of the North Carolina Safety Assessment is “Safe”, and the findings of the North Carolina Family Risk Assessment of Abuse/Neglect and the North Carolina Family Assessment of Strengths and Needs are both “Low,” then the case would not be found “Services Needed,” unless there are unusual circumstances. In those cases, the supervisor must complete the “Rationale for Case Decision/Disposition” to justify the change.</p> <p>Services Recommended - This finding is appropriate when the child was not found to be neglected and/or dependent, and when the safety of a child is not an issue and future risk of harm is not an issue. Some situations in which this finding would be appropriate include, but are not limited to the following:</p> <ul style="list-style-type: none"> • When well-being (not safety related) needs were identified and services were recommended during the assessment and the family was engaged in services (either within the agency or in the community), but at no time during the assessment did the potential risk of child maltreatment approach the level that involuntary services would be required; 	<p>In Oct. 2012 the federal government implemented changes to define eligibility for IV-E funding as those children who are “candidates for removal from their homes and placement in foster care.” These two criteria must be met:</p> <ol style="list-style-type: none"> 1. The services to be provided during In-Home Services with a decision of Services Needed are ones that will constitute reasonable efforts to prevent removal. In this context, Imminent Risk = Serious Risk = Per Administration of Children and Families, ACF, this is described as: There is serious risk of removal and the county is either pursuing removal or providing services to prevent removal. Without these reasonable efforts to prevent removal, a child may enter county child welfare custody (within the next few weeks to months, not necessarily hours or days); and 2. The requirements for “candidacy” must be met by one of the following: <ul style="list-style-type: none"> ○ A defined case plan that is a written document developed jointly with the parents or guardian of the child that includes a description of the services offered and provided and notes that county child welfare custody is the planned arrangement for the child if risk is not sufficiently reduced (met through In-Home Family Services Agreement); ○ Eligibility determination form (DSS-5120); or ○ Evidence of court proceedings in relation to the removal of the child from the home. <p>The county child welfare worker should discuss the outcome of the Family Assessment with the family face-to-face after the case finding of</p>

MRS Requirements

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> At the end of the assessment, the risk level is “Low” and there are no identified safety issues, but the county child welfare worker recommends voluntary services to assist the family with non-safety related well-being needs. These services would be voluntary in nature. <p>Some situations where this finding would not be appropriate include, but are not limited to the following:</p> <ul style="list-style-type: none"> If the agency makes recommendations that, if not completed, would lead to the agency accepting a new report, or would lead the agency to believe that the risk of safety or harm to the child would be impending then the finding should be Services Needed; If at some point during the assessment the risk level would have been “Moderate” or higher and the family may have been appropriate for In-Home Services, but services provided during the assessment brought the risk to a lower level, allowing the case to be closed. In this case, the most appropriate finding would be Services Provided, Protective Services No Longer Needed. The agency must document this finding for any service referral deemed appropriate to meet the family's non-safety connected need. <p>If all the answers to the questions on the CPS Assessment Documentation Tool are “no,” then the finding will be either “Services Provided, Protective Services No Longer Needed,” “Services Recommended,” or “Services Not Recommended.”</p> <p>Services Provided, Protective Services No Longer Needed - This finding is appropriate for all CPS reports of neglect and dependency assigned to the Family Assessment response in which the safety of a child and future risk of harm were at some point in the assessment high enough to require</p>	<p>Services Needed has been made. The family should also be notified in writing within seven working days.</p> <p>Any services recommended (referred or provided) during the assessment should be documented along with the response of the family. Any recommendations made to the family should be explained thoroughly in a face-to-face contact, and the family should be given the option to accept or reject service recommendations. This face-to-face explanation may take place during the assessment.</p> <p>If the initial assessment indicates a risk level of “Moderate” or higher, and the family receives services which lead to a reduction in the risk level at the close of the assessment, such that involuntary services are no longer needed, the finding should be Services Provided, Protective Services No Longer Needed. However, if the risk level was never “Moderate” or higher and non-safety related referrals are made, the finding should be Services Recommended.</p>

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<p>involuntary services, but the successful provision of services during the assessment has mitigated the risk to a level in which involuntary services are no longer necessary to ensure the child’s safety.</p> <p>Services Not Recommended - This finding is appropriate for all CPS reports of neglect and dependency assigned to the Family Assessment response in which the safety of the child is not an issue, there is no concern for the future risk of harm to the child, and the family has no need for other non-safety related services.</p> <p>For all Family Assessments, the case finding will be reported to the Central Registry (DSS-5104) with no perpetrator information entered.</p>	

MRS Requirements

Protocol – What you must do	Guidance – How you should do it
<p><u>INVESTIGATIVE ASSESSMENT</u></p> <p>INITIATION</p> <p>The interviewing sequence in an Investigative Assessment is:</p> <ul style="list-style-type: none"> • All children living in the home; • The non-perpetrating parent; • The perpetrator; and then • Collaterals <p>There are times when this order may not be feasible or the most appropriate. The county child welfare services agency must consider the individuals and allegations involved in each situation and must conduct the interviews in the order that is least likely to increase the risk of harm to the alleged victim child or other children in the home.</p> <p>The child must be interviewed:</p> <ul style="list-style-type: none"> • Individually; and • Under no circumstances in the presence of the person or persons alleged to have caused or allowed abuse and/or neglect. <p>For DV cases, refer to DV initiation protocol.</p>	<p>Efforts should be made to establish rapport with the child and to help the child feel comfortable in disclosing information about himself or herself and family.</p> <p>County child welfare workers should have another adult present when a full body assessment is necessary.</p> <p>During a CPS Assessment, information received may reveal that the perpetrator is not a parent or caretaker. It is still important to interview the alleged perpetrator during the CPS Assessment, if possible. The alleged perpetrator may have information that is vital in helping to determine if the allegation is true. If other evidence indicates the harm was caused or allowed by the parent or caretaker, an interview with the alleged perpetrator may give insight into whether the parents/caretaker provided adequate care and supervision.</p>
<p>CASE-DECISION MAKING</p> <p>The findings in an Investigative Assessment must be either substantiated or unsubstantiated.</p> <p>To make a case decision to substantiate, the answer to one or more of the following questions must be “yes” to one of the 4 questions on the CPS Assessment Documentation Tool. See Making the Case Decision.</p>	

MRS Requirements

Protocol – What you must do	Guidance – How you should do it
<p>When a report of neglect is being completed using the Investigative Assessment track, there are two points to consider when deciding on the case finding:</p> <ul style="list-style-type: none"> • The first decision is to determine if the case decision is to be substantiated; and • The second decision for substantiations of neglect is to determine if the neglect is “serious.” A definition for “serious neglect,” as well as other information regarding the Responsible Individuals List, can be found in Chapter VIII: Section 1427. <p>When the Identity of the Perpetrator Is Unknown</p> <p>There are instances when a child has been abused and/or neglected but the identity of the perpetrator cannot be determined. In such situations, there must be a case decision that ensures the ongoing safety of the child and data entries must reflect that the perpetrator is “unknown.”</p>	<p>This scenario should be a rare occurrence. County child welfare agencies are encouraged to consider if there are additional case activities that would help to identify a perpetrator before using this option.</p>
<p>RESPONSIBLE INDIVIDUAL LIST</p> <p>For case decisions of abuse or serious neglect, the case decision notice to the perpetrator must contain the following (in addition to the Case Closure Notifications):</p> <ul style="list-style-type: none"> • A statement, in accordance with N.C.G.S. §7B-320(c)(3), informing the individual that unless the individual petitions for a judicial review within 15 calendar days, their name will be placed on the RIL; • The Judicial Review Petition but no instructions on how to file the petition; and • That the North Carolina Department of Health and Human Services may provide information from that list to child caring institutions, child-placing agencies, group home facilities, and other providers of foster care, child care, or adoption services (including the Guardian ad Litem Program) that need to determine the fitness of individuals to care for or adopt children as permitted by N.C.G.S. §7B-311. 	<p>It is permissible for a county child welfare worker other than the county child welfare worker who conducted the CPS Assessment to deliver the case decision / RIL placement notice. In addition to documentation in the file, when possible, it is recommended that the notice include an acknowledgement by the alleged responsible individual that he or she received the case decision / RIL placement notice and the date received.</p> <p>See Chapter VIII: Section 1427 for additional RIL information.</p>

MRS Requirements

Protocol – What you must do	Guidance – How you should do it
<p>The county child welfare worker must make face-to-face contact with the alleged responsible individual within five business days of the case decision to explain the reason for the substantiation and to provide written notice of the potential for their name to be placed on the RIL.</p> <p>If it is not possible to make face-to-face contact with the alleged responsible individual to deliver the written notice within those five business days, the county child welfare worker must make diligent and persistent efforts to make contact. However, if the county child welfare worker is unsuccessful in contacting the alleged responsible individual to provide personal written notice within 15 calendar days of the case decision, the notice must be sent by registered or certified mail, return receipt requested, and addressed to the individual at the individual's last known address.</p>	

Documentation

Protocol – What you must do

Documentation of the CPS Assessment must:

- Include the Structured Documentation Instrument for CPS Assessments DSS-5010 must be used to:
 - Describe actions taken (contacts made) and services provided;
 - Include a description of the ongoing assessment of risk, safety, and health or well-being of the child;
 - Support the rationale for the involvement of the county child welfare services agency and service delivery on an ongoing basis;
 - The basis for what the county child welfare services agency considers sufficient contact;
 - Describe all diligent efforts to make contacts, if not achieved;
 - Describe the family's progress or barriers toward addressing safety threats or risk;
 - Include supervisor/child welfare worker and group/unit case conferences, including any two-level decisions made;
 - Provide justification for any missed policy or protocol requirements (missed timeframes, etc.);
 - Document any new allegations and actions taken;
- Include any other efforts by the county child welfare services agency to achieve child safety and protection, family preservation, and prevention of future abuse, neglect, and/or dependency;
- Include completion of the North Carolina Safety Assessment ([DSS-5231](#));
- Include completion of the North Carolina Family Risk Assessment of Abuse / Neglect ([DSS-5230](#));
- Include completion of the North Carolina Family Assessment of Strengths and Needs ([DSS-5229](#)); and
- Be current within seven calendar days.

The following information must be included for each documentation entry regarding a contact or attempted contact:

- Date of each contact and name of each person contacted;
- Purpose of the contact;
- Significant family/child/parent issues;
- Type of contact (phone, face-to-face, home visit, etc.) and location for all face-to-face contacts;
- Individual interview with each child present;
- Observations regarding each person and the environment for face-to-face contacts; and/or
- [Diligent efforts](#) to make a contact and date of the efforts, what were efforts to make this contact (telephone call, home visit but no one home, etc.).

Documentation

Protocol – What you must do

When a child(ren) must be removed from the home (See [Filing a Petition](#)), the case record must document that the county child welfare services agency completed the following:

- Efforts were made to protect the child in their own home and to prevent out-of-home placement;
- Relatives were assessed for willingness and ability to care for the child(ren) and whether such placement would be in the child's best interests;
- Compliance with the following requirements occurred when temporary custody is initiated:
 - That the child would have been endangered if the county child welfare worker first had to obtain a court order;
 - That the child was returned to the parents or persons from whom the child was removed unless a petition or motion for review was filed and an order for secure or non-secure custody was obtained; and
 - That the parents were notified that they could be with the child(ren) while the court determined the need for secure or non-secure custody.
- The juvenile petition alleges the conditions that required court jurisdiction;
- The non-secure custody order gives specific sanction to a placement other than a licensed provider; that the juvenile petition was filed because the child(ren) was at imminent risk; and that a hearing was held within seven calendar days; and
- If a child is taken into agency custody because of an adjudication of undisciplined behavior or delinquency, the required language is in the court order or, if appropriate language is not included, that the agency filed a motion to have such language included in the court order.

The county child welfare services agency must submit a report of alleged abuse, neglect, and/or dependency cases or child fatalities that are the result of alleged maltreatment to the Central Registry. The county child welfare services agency fulfills this requirement by submitting one Report to Central Registry / CPS Application (DSS-5104) to the North Carolina Division of Social Services for each victim child or an action through NC FAST. When completing the Report to the Central Registry/CPS Application (DSS-5104), only one DSS-5104 per child is submitted (all reports open during an assessment are compiled into one case decision) for an assessment. All services provided to or referred for the family as the result of the CPS Assessment are to be documented on the DSS-5104 in Field 24. This documents service needs that began and continued for the child between the date of the CPS report and up to 90 calendar days after the case decision.

Case documentation must include completion and processing of a DSS-5027 (to be processed at the initiation and closure of every assessment) for every identified victim child.

See the Cross-Function topic of [Documentation](#) for definitions and additional protocol and guidance.

END OF CPS FAMILY AND INVESTIGATIVE ASSESSMENTS POLICY, PROTOCOL, & GUIDANCE SECTION

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Intensive Family Preservation Services (IFPS Family Service Manual)

Definition	
<p><u>INTENSIVE FAMILY PRESERVATION SERVICES (IFPS FAMILY SERVICE MANUAL)</u></p> <ul style="list-style-type: none"> • Provide intensive, in-home crisis intervention services designed to help families with children at imminent risk of being removed from the home; • Are time-limited (a maximum of six weeks); and • Are characterized by very small caseloads for workers, 24-hour availability of staff, and the provision of services primarily in the child's home. 	
Protocol – What you must do	Guidance – How you should do it
<p>To qualify for IFPS, there must be a child at “imminent risk of out-of-home placement” through:</p> <ul style="list-style-type: none"> • Substantiation of child abuse, neglect, and/or dependency or a finding of services needed, and • Risk rating of high (on Risk Assessment, DSS-5226 or Risk Reassessment DSS-5226). <p>When requesting IFPS, the following forms are to be provided:</p> <ul style="list-style-type: none"> • DSS-5230 or DSS-5226, and DSS-5027 <p>During IFPS:</p> <ul style="list-style-type: none"> • The IFPS worker is to be a member of the Child and Family Team. This collaboration will assist in prioritizing IFPS activities towards addressing the existing high-risk factors. • The county child welfare worker must maintain weekly contact with the IFPS worker and document discussion regarding progress towards case activities. • The ongoing county child welfare worker and supervisor must staff the case and document the frequency of contact between the county child welfare worker and the family/child(ren). <p>Upon completion of IFPS, the county child welfare worker must facilitate a meeting with the IFPS worker (preferably a CFT) to discuss, with the family, progress achieved toward case objectives. This meeting must occur within seven days of completion of Intensive Family Preservation Services.</p> <p>IFPS is to provide the county child welfare worker written documentation regarding case objectives and family progress on the objectives.</p>	<p>IFPS should be considered as an option for all cases in which there is a risk rating of “high.”</p> <p>Contact between IFPS and the county child welfare worker can either be over the telephone, via e-mail, or in person.</p>

Safety

Policy	Legal Basis
When a safety threat (present or impending) is identified, the county child welfare services agency must respond and develop a plan of safety. At no time should a county child welfare worker leave a child in unsafe circumstances. The intent of safety planning is to reach an agreed upon plan with the family that imposes the lowest level of intrusiveness possible while assuring a child's safety.	<p>Non-secure custody will only be granted when one or more criteria exist as specified in N.C.G.S. § 7B-503.</p> <p>North Carolina statute N.C.G.S. § 7B-101 (19) defines a safe home as "a home in which the child is not at substantial risk of physical or emotional abuse or neglect."</p>

Definitions
<p><u>Safety Threat Defined</u></p> <p>A safety threat exists when there are conditions or actions within the child's home that represent the likelihood of imminent serious harm to the child. There are two types of safety threats: present and impending.</p> <ol style="list-style-type: none"> 1) "Present safety threat" refers to an immediate, significant, and clearly observable family condition (severe harm or threat of severe harm) occurring to a child in the present. Present danger is easier to detect because it is transparent and is occurring now. If present danger is observed, the child is not safe. 2) "Impending safety threat" refers to threatening conditions that are not immediately obvious or currently active but are out of control and likely to cause serious harm to a child soon. Impending danger is covert. Impending danger is a threat that can be reasonably expected to result in serious harm if safety action is not taken and/or sustained. These threats may or may not be identified at the onset of involvement by a county child welfare services agency but are understood upon a more complete evaluation and understanding of the individual and family conditions and functioning. <p>To be classified as a safety threat, a situation, condition, or behavior must meet the "safety threshold." The safety threshold is the point when a parent's behaviors, attitudes, emotions, intent, or circumstances create conditions that fall beyond mere risk of future maltreatment and have become an actual imminent threat to the child's safety.</p>

Safety

Definitions
<p><u>Safety Agreement Defined</u></p> <p>A safety agreement/plan is made between a parent and a county child welfare services agency when a child is in immediate danger in their own home because of a safety threat. A safety agreement/plan must be all the following:</p> <ol style="list-style-type: none"> 1) Sufficient to manage safety; 2) Tailored to the address the child safety issues that exist within the family; 3) Immediately available for implementation; and 4) A plan that includes actions and goals that are specific and measurable. <p><u>Due Process Considerations</u></p> <p>Under the United States Constitution, parents have a fundamental right to the care, custody, and control of their children. Safety actions that require the separation or restriction of a parent's access to their child(ren) affect a parent's custodial rights. When a county child welfare services agency interferes with this right, reasonable procedural protections must be in place. This procedural protection often takes the form of a hearing in juvenile court. In certain situations, to protect a child, a county child welfare worker conducting an assessment may be required to perform actions that affect a parent's custodial rights without first providing procedural due process. These instances should be used only to the extent necessary to protect the child and should not continue longer than necessary to assure safety. Procedural protection must be provided within a reasonable period, even when a parent agrees to the infringement on the parent's own custodial right.</p> <p>Guardians, custodians, caretakers, and other relatives, do not have these same constitutional rights; this due process consideration only applies to birth and adoptive parents.</p>

Protocol – What you must do	Guidance – How you should do it
<p><u>ASSESSING SAFETY</u></p> <p>The Safety Assessment (DSS-5231) must be used during a CPS Assessment. The assessment of safety is an ongoing process that starts at the time a case is accepted for a CPS Assessment and continues until case closure.</p> <p><u>SAFETY PLANNING</u></p> <p>An individualized safety agreement must be developed when a safety threat has been identified. The Safety Agreement/Plan must be documented on:</p>	<p>The Safety Assessment (DSS-5231) is completed during a CPS Assessment. However, the Safety Assessment can be referred to for guidance regarding safety concerns identified during ongoing services.</p> <p>SAFETY PLANNING</p> <p>While this is not an exhaustive list, there are four main categories of safety interventions that may</p>

Safety

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> • The Temporary Parental Safety Agreement as a part of the CPS Safety Assessment or • The Safety Agreement developed with a family during a CFT during the provision of CPS services (Assessments or In-Home). <p>When a Safety Agreement requires modification (i.e., new concerns arise; some safety issues identified have been addressed and others remain) the Safety Agreement must reflect the changes.</p> <p>As soon as the county child welfare services agency obtains sufficient evidence that the safety threats no longer exist, the agency must dissolve the Safety Agreement.</p> <p>The Safety Agreement must be signed by:</p> <ul style="list-style-type: none"> • A parent (someone with legal authority) and • The county child welfare worker and • The county child welfare supervisor. <p>If applicable, a guardian, custodian, or caretaker, and/or approved Temporary Safety Provider(s) must also sign the agreement. The Safety Agreement must be signed the same day it is developed by the parent and county child welfare worker. The county child welfare supervisor must review and approve the Safety Agreement the same day (within 24 hours). This must be evidenced by:</p> <ul style="list-style-type: none"> • A Safety Agreement signed by the county child welfare supervisor or • Documentation that reflects the joint decision-making process between the county child welfare worker and supervisor and the supervisor's subsequent approval of the plan. <p>A CFT meeting must be held when a safety threat exists and:</p> <ul style="list-style-type: none"> • A Safety Agreement requiring separation or restriction is being proposed or • Non-secure custody is the only means necessary to ensure safety of the child. <p>During this CFT meeting, other safety interventions as well as possible Temporary Safety Providers must be discussed.</p>	<p>be incorporated into a safety agreement:</p> <ol style="list-style-type: none"> 1) Resource support refers to safety actions that address a shortage of family resources and resource utilization (such as obtaining heat, water, electricity, food, child care, etc.), the absence of which directly threatens the safety of the child. 2) Social support includes actions that reduce social isolation. Social support may be used alone or in combination with other actions to reinforce and support the capacity of the parents or other caretakers. 3) Crisis management is specifically concerned with intervening to halt a crisis and to facilitate problem solving to bring a state of calm to a family. The purpose of crisis management is to quickly control the threat to the child's safety. Crisis management will often be employed along with other safety actions. 4) Separation or restriction refers to the removal of any household member from the home for a period or otherwise interfering with a parent's custodial rights. Separation is viewed as a temporary action. Separation may involve, among other things, the child temporarily moving to a safe environment, a friend or relative moving into the home, the protective parent moving with the child to a safe

Safety

Protocol – What you must do	Guidance – How you should do it
<p>If a CFT cannot be held prior to making a Safety Agreement involving separation or restriction or filing a petition for non-secure custody, a CFT must be held as soon as possible.</p> <p>A Safety Agreement must be used when part of the environment must be controlled to determine whether there is sufficient evidence to support a case decision finding that the reported allegations of abuse, neglect, or dependency occurred. In some cases, it may involve one or more family members leaving the home or an agreement that certain family members will not have unsupervised contact with other family members.</p> <p>When a Safety Agreement involves separation or restriction, the county child welfare services agency must complete an Initial Provider Assessment (DSS-5203) and have it approved by the county child welfare supervisor, prior to the child being in the care of the identified Temporary Safety Provider. See Temporary Safety Provider regarding ongoing monitoring.</p>	<p>environment, a parent agreeing not to have unsupervised contact with the child, a parent agreeing to forfeit decision-making authority over the child, or the alleged perpetrator agreeing to leave the home.</p> <p>At any time while a Safety Agreement is in place, the county child welfare services agency may consider involving the court.</p> <p>A CFT meeting may be held at any time during a CPS involvement to address issues of safety planning.</p>
<p><u>WHEN A PETITION IS REQUIRED</u></p> <p>There are some circumstances when juvenile court involvement (through filing a petition) must occur. When risk to the safety of a child is so great that the agency must protect the child by removing the child from the home, the county child welfare services agency must file a petition including non-secure custody. Although the following is not an exhaustive list, it covers many of the circumstances requiring immediate removal.</p> <ul style="list-style-type: none"> • The juvenile has been abandoned; or • The juvenile has serious physical injuries that are not accidental, such as abusive head trauma, internal injuries, or numerous broken bones; or • The juvenile has sexual abuse; or • The juvenile is exposed to a substantial risk of injury or sexual abuse due to the actions or inaction of the parent, guardian, or custodian; or • The juvenile needs medical treatment to cure, alleviate, or prevent suffering serious physical harm which may result in death, disfigurement, or substantial impairment of bodily functions and the parent, guardian, or custodian is either unable or unwilling to 	

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<p>provide or consent to treatment; or</p> <ul style="list-style-type: none"> • A safety threat exists, and a prior Safety Agreement/plan was executed, but the parent did not adhere to the agreement; or • A safety threat exists and the parent’s ability to make changes is limited because of limited intellectual ability or a mental health diagnosis; or • A safety threat exists and there is no identified alternative caregiver that is willing to protect the child; or • A safety threat exists and there is no identified alternative caregiver whose home environment is appropriate; or • The parent consents to continuation of the non-secure custody order; or • The juvenile is a runaway and consents to non-secure custody; and • There is a factual basis to believe that no other reasonable means are available to protect the juvenile. <p>Additionally, filing a juvenile petition during the CPS involvement must occur when:</p> <ul style="list-style-type: none"> • A Safety Agreement is not sufficient to ensure the safety of the child(ren) or • There is reason to suspect the parent, guardian, or custodian will not abide by the Safety Agreement. <p>Voluntary Placement Agreements are not appropriate for use in any of the above situations regarding immediate removal.</p> <p>The filing of a juvenile petition requesting non-secure custody must occur in lieu of a Safety Agreement when a child will move to a home in another state, unless specifically allowed by a border agreement with the other state. The Interstate Compact on the Placement of Children (ICPC) must be followed whenever required by N.C.G.S. § 3800 et. seq. or the ICPC regulations.</p> <p>When a safety threat exists and at least one parent has communicated that he or she will not agree to a Temporary Parental Safety Agreement or other safety agreement, the county child welfare services agency must file a juvenile petition when protective services are refused, regardless of whether the agency requests custody of the child.</p>	

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<p><u>VOLUNTARY REQUIREMENT</u></p> <p>Safety Agreements are only available when the parent voluntarily agrees. Only the court may restrict parents' access to their children, including supervised visitation between a parent and that parent's child.</p> <p>Because a Safety Agreement exists only when it is voluntary, it may be revoked at any time.</p> <ul style="list-style-type: none"> • Revocation by a parent must include notification of the county child welfare services agency. • The Temporary Safety Provider must communicate their inability or unwillingness to continue to care for the child(ren) directly to the county child welfare services agency. • If a Safety Agreement is modified or dissolved by the county child welfare services agency, the county child welfare services agency must ensure that everyone included in the Safety Agreement has been notified as soon as possible. <p>Any time a Safety Agreement is revoked or dissolved, the county child welfare services agency must:</p> <ul style="list-style-type: none"> • Inform all individuals involved with the Agreement, and • Assess safety and act to ensure that the child(ren) is safe. 	<p><u>VOLUNTARY REQUIREMENT</u></p> <p>A county child welfare worker should never attempt to coerce a parent into agreeing to a Temporary Parental Safety Agreement with threats or promises that would affect the voluntary nature of the Temporary Parental Safety Agreement. An offer of a Temporary Parental Safety Agreement, even when the parent does not agree, may be included as an effort to prevent removal when asking the court to find that the agency made reasonable efforts.</p> <p>If a Safety Agreement is revoked or dissolved, the county child welfare services agency should consider:</p> <ul style="list-style-type: none"> • If safety still requires the need for a Temporary Safety Provider; • Scheduling a CFT; • Other options to address remaining safety threats, including if necessary • Filing a petition.
<p><u>MONITORING SAFETY</u></p> <p>The county child welfare services agency must monitor all aspects of the Safety Agreement to ensure that the child continues to be safe and the agreement continues to be necessary and voluntary.</p> <p>The county child welfare worker must meet with the parents and the child at regular intervals sufficient to ensure the safety and protection of the child and to monitor progress toward goals. At each contact, it is important that the county child welfare worker assess safety, risk, and any</p>	

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other concerns that have arisen.	

Risk & Use of Assessment Tools

Policy
The primary concern of Child Welfare Services is protecting children from maltreatment.
Definition
<p>Risk is the likelihood that a child will be harmed (abused or neglected). Safety threats are a subset of risk that represent the likelihood of immediate or imminent serious harm to the child.</p> <p>Risk:</p> <ul style="list-style-type: none"> • Occurs on a continuum from mild to severe; • Includes family situations and behaviors from onset progressing into seriously troubled; • Applies to aspects of family life relevant to understanding the likelihood of maltreatment; • Impacts child well-being and safety; • Is based on an unlimited time frame (could occur any time in the future); • Is associated with family functioning and behaviors that need to be managed or treated; and • Requires a judgement about the negative effects on the child from future maltreatment. <p>Risk assessment is an ongoing process to determine the possibility of future harm to the child. It does not predict when or how serious the harm may be, but rather the likelihood that harm will occur. Risk assessment, based on an examination of factors, attempts to address whether the harm may continue and whether the harm is acute or chronic in nature. It is used as a vehicle for decision making in child maltreatment cases. The risk scales are based on research on cases with “substantiated” abuse or neglect or “services needed” findings that examined the relationships between family characteristics and the outcomes of subsequent abuse and/or neglect. The scales do not predict recurrence; simply the likelihood that a family will have another incident without intervention by the county child welfare services agency.</p> <p>“Protective capacity” is defined as the ability and willingness to mitigate or ameliorate the identified safety and risk concerns. Protective capacity can be demonstrated by a parent through their statements, actions, and reactions. Protective capacity exists both within the parent/caretaker and within the family environment.</p>

Risk & Use of Assessment Tools

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<p><u>MONITORING AND ASSESSING RISK</u></p> <p>Risk assessment is an ongoing process that starts at the time a case is accepted for a CPS Assessment and continues until case closure.</p> <p>County child welfare efforts must assess the risk and develop a plan to reduce the risk to an acceptable level with a focus on maintaining the child(ren) in the family home.</p> <p>When assessing for risk, county child welfare workers must observe and document the impact of maltreatment on the child(ren). The worker must use objective language to document the child's behavior or condition and relate that behavior or condition to the identified maltreatment.</p> <p><u>ASSESSMENT TOOLS</u></p> <p>The following assessment tools must be completed accurately and thoroughly, approved, and signed within the timeframes indicated in the appropriate functional protocol:</p> <ul style="list-style-type: none"> • Safety Assessment DSS-5231 (Assessments), • Risk Assessment DSS-5230 (Assessments), • Risk Reassessment DSS-5230 (In-Home), 	<p>When assessing risk, a county child welfare services agency should consider:</p> <ul style="list-style-type: none"> • CPS history, how long has risk been occurring; • Parent/caretaker's reaction to and/or explanation regarding the risk (what was the parent/caretaker's intent?); • Related criminal history; • Parent/caretaker's willingness to engage and/or agreement with safety and risk planning, (what is the parent's/caretaker's attitude?); • How severe the potential risk is to the child(ren); • What is the impact of the potential risk on the child(ren)? • What is the degree of change needed by the parent(s)/caretaker(s) to remediate the risk? • What is the timeframe within which the risk is likely to occur? • What is the protective capacity of the parents/caretakers to address the identified risk? <p>Families should be involved in the completion of all the assessment tools used by the county child welfare services agency.</p> <p>While the approach is family-centered, decisions regarding the risk, needs, and strengths are the responsibility of the county child welfare services agency. The outcome of any decision should not be surprising to the family if the county child welfare worker has successfully involved family members.</p> <p><u>IMPACT ON CHILDREN</u></p> <p>When assessing risk, county child welfare workers should be alert for conditions, behaviors, and reactions in children that indicate an impact from maltreatment. In some cases, the impact may be directly and clearly related to the maltreatment, including but not limited to:</p> <ul style="list-style-type: none"> • Bruising, burns, bites or broken bones from abuse or neglect; • Medical conditions caused by a lack of medical care; and/or • Exposure to an unsafe condition (e.g., young child running across busy street due to lack of supervision).

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<ul style="list-style-type: none"> • Reunification Assessment DSS-5227 (Permanency Planning), and the • Family Assessment of Strengths and Needs DSS-5229 (Assessments, In-Home, and Permanency Planning). <p>These tools assess safety and risk for all children living in the home throughout a case, define service needs of the family, and establish the basis for Family Services Agreements.</p> <p>The tools must be:</p> <ul style="list-style-type: none"> • Based on face-to-face interviews with and/or observation of parents, caretakers, others living in the home, and children, • Based on information gained through collateral contacts, • Be reviewed and updated as necessary when new information is received regarding safety and risk, and • Be signed by the county child welfare worker and case supervisor to designate two-level review within timeframes specified by each functional area. <p>Assessments must be completed for the household of the parent(s)/caretaker(s) where</p>	<p>However, sometimes impact is less obvious, and the agency will have to link the maltreatment to the conditions/impact on the child. The following observations or conditions regarding a child provide <u>may</u> indicate abuse or neglect:</p> <ul style="list-style-type: none"> • Changes in behavior (e.g., a change in school performance, acting out or irrational behavior, or change in appetite); • Difficulty focusing that cannot be attributed to physical or psychological causes; • Hyperactivity, inability to calm themselves; • Hypervigilance, as if always concerned that something will happen; • Anxiety, with symptoms that may include headaches, stomachaches, nightmares, inability to relax or sleep through the night; • Overly compliant, passive, or withdrawn; • Demanding or aggressive; • Reluctance to interact with or be around a specific adult; • Attaches easily and quickly to strangers or new adults; • Fear, whether stated or demonstrated (e.g., shrinks away from an adult); • Abuses animals or pets; • Poor hygiene, lack of self-care; • Use of alcohol or drugs; • Runs away; • Stealing or other juvenile involvement; • Depression; • Sudden knowledge about drugs or sexual activities; • Lack of follow up care for medical, mental health, or other needs; • Repeated incidents of hunger, tardiness, missed appointments, or school absences; or • Delay in physical or emotional development. <p>The impact on children from chronic neglect and abuse can be lifelong. The consequences of experiencing trauma from maltreatment impact a child's ability to cope, which can lead to cognitive delays and emotional difficulties. Childhood trauma negatively affects the body's nervous and</p>

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<p>the safety or risk of maltreatment was alleged or where services are to be provided. When the parent(s)/caretaker(s) have separate households and each parent/caretaker provides care independently, separate assessments based on their household must be considered. If determined that assessments are not required on parent/caretaker household, the justification must be documented.</p> <p>The North Carolina Family Risk Assessment (Risk Reassessment) of Abuse / Neglect identifies the level of risk of future maltreatment to the child(ren) in the family and determines the level of service to be provided to each family.</p> <p>The Risk Reassessment identifies changes in risk after a family has been engaged in services.</p>	<p>immune system development, putting those children at a higher risk of ongoing health problems, even into adulthood. County child welfare workers should keep an open mind about potential symptoms of maltreatment, being careful not to assume the above behaviors or conditions are always indicators of maltreatment.</p> <p><u>PROTECTIVE CAPACITY</u></p> <p>Parent/caretaker protective capacity should be assessed in three domains:</p> <ul style="list-style-type: none"> • Behavior characteristics; • Cognitive characteristics; and • Emotional characteristics. <p>Behavioral characteristics are defined as specific actions and activities consistent with and resulting in parenting and protective vigilance. Questions to consider include:</p> <ul style="list-style-type: none"> • Does the parent/caretaker have the physical capacity and energy to care for the child? If the parent/caretaker has a disability(ies) (e.g., blindness, deafness, paraplegia, chronic illness), how has the parent/caretaker addressed the disability in parenting the child? • Has the parent/caretaker acknowledged and acted on getting the needed supports to effectively parent and protect the child? • Does the parent/caretaker demonstrate activities that indicate putting aside one's own needs in favor of the child's needs? • Does the parent/caretaker demonstrate adaptability in a changing environment or during a crisis? • Does the parent/caretaker demonstrate actions to protect the child? • Does the parent/caretaker demonstrate impulse control? • Does the parent/caretaker have a history of protecting the child given any threats to safety of the child? <p>The Risk Assessment identifies which families have high, moderate, or low probabilities of continuing to abuse and/or neglect their children. Completing the Family Risk Assessment of Abuse / Neglect provides an objective appraisal of the likelihood that a family will maltreat the children in the next 18</p>

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<p>The North Carolina Family Assessment of Strengths and Needs:</p> <ul style="list-style-type: none"> • Evaluates the presenting strengths and needs of the family, and • Identifies family strengths and needs to be utilized in case planning. 	<p>to 24 months. The difference between the risk levels is substantial. High-risk families have significantly higher rates than low-risk families of subsequent reports and substantiations and are more often involved in serious abuse and/or neglect incidents.</p> <p>Cognitive characteristics are defined as the parent/caretaker’s specific intellect, knowledge, understanding, and perception that contributes to protective vigilance. Questions to consider include:</p> <ul style="list-style-type: none"> • Is the parent/caretaker oriented to time, place, and space? (i.e., reality orientation) • Does the parent/caretaker have an accurate perception of the child? Does the parent/caretaker see the child as having strengths and weaknesses, or do they see the child as “all good” or “all bad”? • Can the parent/caretaker recognize the child’s developmental needs or if the child has special needs? • How does the parent/caretaker process the external stimuli? (e.g., a battered woman who believes she deserves to be beaten, because of something she has done) • Does the parent/caretaker understand their role to provide protection to the child? • Does the parent/caretaker have the intellectual ability to understand what is needed to raise and protect a child? • Does the parent/caretaker accurately assess potential threats to the child? <p>Emotional characteristics are defined as the parent/caretaker’s specific feelings, attitudes, and identification with the child and motivation that results in parenting and protective vigilance. Questions to consider include:</p> <ul style="list-style-type: none"> • Does the parent/caretaker have an emotional bond to the child? Is there a reciprocal connectedness between the parent/caretaker and the child? Is there a positive connection to the child? • Does the parent/caretaker have empathy for the child when the child is hurt or afraid? • Is the parent/caretaker flexible under stress? Can the parent/caretaker manage adversity? • Is the parent/caretaker able to control their emotions? If emotionally overwhelmed, does the parent/caretaker reach out to others or expect the child to meet the parent/caretaker’s emotional needs? • Does the parent/caretaker consistently meet their own emotional needs via other adults,

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	<p>services?</p> <p>A statement by the parent/caretaker that he or she has the capacity to protect should be respected but observations of this capacity are equally if not more important. Observations and supporting information include:</p> <ul style="list-style-type: none"> • A history of behavioral responses to crises may indicate what may likely happen. Spontaneous behavior will provide insight into how a parent/caretaker feels, thinks, and acts when they are or feel threatened. • Recognize that a parent/caretaker may initially react in anger or “righteous indignation” and that this initial reaction may be appropriate and natural. However, once the initial shock and emotional reaction subsides, does the parent/caretaker blame everyone else for the “interference”? • What are the dynamics of the relationship of and between multiple parents/caretakers? Is there domestic violence? What efforts have been made by the victim to protect the child? Does the victim align with the batterer? • Does the parent/caretaker actively engage in a plan to protect the child from further harm? Is the plan workable? • Does the parent/caretaker demonstrate actions that are consistent with verbal intent, or are their words and actions contradictory? <p><u>Environmental Protective Capacities</u></p> <p>While the assessment of the parent/caretaker’s protective capacities is critical, an assessment of environmental capacities may also mitigate the safety concerns/risk of harm to a child. Below are several categories of environmental protective capacities to be considered.</p> <ul style="list-style-type: none"> • Family/kinship relationships that contribute to the protection of the child; • Informal relationships; • Agency supports; • Community supports; • Financial status; • Spiritual supports; • For American Indians, the tribe; and

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	<ul style="list-style-type: none"> Concrete needs being met (e.g., for food, clothing, shelter). <p>Scaling is a great way to assess risk with a parent/caretaker. When using scaling questions, the county child welfare worker needs to anchor the scale with specific descriptors for high and low numbers. The county child welfare worker should plan to ask follow up questions. Identifying the number is just the beginning; the real value of scaling is in the follow-up questions. What does the parent/caretaker think makes it that number? What's one thing they could do to lower the risk?</p>
<p><u>RISK PLANNING</u></p> <p>Family Service Agreements and safety agreements/plans must be individualized based on the level of risk. Refer also to Safety for requirements for safety planning.</p> <p>When there is severe potential risk to the child(ren) and/or severe potential impact on the child(ren), the county child welfare services agency must determine if an intervention is necessary.</p>	<p>RISK PLANNING</p> <p>For ongoing cases, risk planning should be addressed by the activities in the Family Services Agreement.</p> <p>An intervention to address a severe potential risk, or risk with severe potential impact, could occur through development of a plan or holding a CFT. A plan may be required to reduce the risk even if a current safety threat is not present. Filing a petition for custody may be necessary in some circumstances for the protection of the child(ren).</p>

Collateral Contacts

Legal Basis	
<p>N.C.G.S. § 7B-302 (c) states: “in performing any duties related to the assessment of the complaint or the provision or arrangement of social services, the director may consult with any public or private agencies or individuals, including the available state or local law enforcement officers who shall assist in the assessment and evaluation of the seriousness of any report of abuse, neglect, or dependency when requested by the director. The director or the director’s representative may make a written demand for any information or reports, whether or not confidential, that may, in the director’s opinion, be relevant to the protective services case. Upon the director’s or the director’s representative’s request and unless protected by the attorney-client privilege, any public or private agency or individual shall provide access to and copies of this confidential information and these records to the extent permitted by federal law and regulations.”</p>	
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<p>A collateral contact is any person(s) identified as having information relevant to the CPS case or other persons or agencies known to be currently involved with the family or known to have knowledge of the situation. This includes, but is not limited to:</p> <ul style="list-style-type: none"> • Medical and mental health providers. When a child is alleged to have a medical or mental health condition, disease, or illness relevant to the allegation, the county child welfare services agency must consult the medical or mental health provider treating the condition. This consultation must be focused on determining the family’s assertions about that medical or mental health condition, or there must be justification for why this was not done. • Educational providers. • Collateral sources provided by the family. The county child welfare worker should ask the family for collateral information sources. These contacts should be people who can provide reliable information concerning the child and family (i.e., not simply character references). This would include, but not be limited to: <ul style="list-style-type: none"> ○ Extended family members, ○ Friends, ○ Community members, and ○ Faith community members. • Reporters/intake form collaterals. 	<p><u>Professional Collateral Contacts</u></p> <p>It is expected that professional service providers and agencies will share concerns about the family with the family members themselves. When a professional collateral is to be contacted, whether provided by the reporter, the family, or the county child welfare worker, the parent/caretaker should be given the option to be present for this collateral contact. In those instances, when the parent chooses not to be present, the county child welfare worker should advise the parent of the information gathered from that collateral source.</p> <p><u>Non-Professional Collateral Sources</u></p> <p>The parent will be with the county child welfare worker when contact is made if the parent chooses, and if the safety of the non-professional collateral information source is</p>

Collateral Contacts

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<p>The following case participants must be contacted but are not considered collateral contacts:</p> <ul style="list-style-type: none"> • Placement provider, including but not limited to: <ul style="list-style-type: none"> ○ Foster care providers, including residential providers, ○ Kinship providers, and ○ Temporary Safety Providers. • Parents or caretakers, including non-residential parents. <p>The county child welfare services agency must exercise discretion in the selection of collateral sources to protect the family's right to privacy and the confidentiality of the report.</p> <p>Parents must be advised of any professional collateral that will be contacted and their permission obtained to talk to that collateral. If the parent refuses permission, the county child welfare worker must first discuss the reason for the parents' refusal and try to gain their permission. Parents must be advised of any professional collateral that will be contacted during the assessment. The county child welfare worker should explain the reason why the collateral is necessary based on the reported concerns and the statutory obligation to make a thorough assessment. The parents' concerns should be noted, and all information gathered in the assessment will be considered in the case decision.</p> <p>The court may designate certain local agencies authorized to share information concerning juveniles. Agencies that are so designated must share, upon request, information that is in their possession that is relevant to any case in which a juvenile petition is filed alleging abuse, neglect, dependent, undisciplined, and/or delinquent and must continue to do so until the juvenile is no longer subject to the jurisdiction of juvenile court.</p> <p>Documentation regarding collateral contacts must include:</p> <ul style="list-style-type: none"> • Whom the county child welfare worker talked with, when, and what observations have been made regarding: <ul style="list-style-type: none"> ○ Safety and risk of maltreatment, and ○ The family's progress or barriers toward case goals, and • Attempts to contact a collateral contact. 	<p>not compromised as a result. The county child welfare worker should contact the non-professional collateral information source to determine whether that individual has any concern about his/her own personal safety if the parent and county child welfare worker contact them together. If that collateral expresses no concern for his/her own personal safety, the parent should be given the option of being present during the contact.</p>

Diligent Efforts

Legal Basis	
<p>10A NCAC 70A.0105 regarding children states: “the director shall make diligent efforts to locate the alleged victim child or children until such efforts are successful or until the director concludes that the child or children cannot be located. Diligent efforts shall include, but not be limited to, visits to the child’s or children’s address at different times of the day and on different days. All efforts to locate the child or children shall be documented in the case record.”</p> <p>N.C.G.S. § 7B-505(b) regarding diligent efforts to identify and notify relatives of child in agency custody</p>	
Protocol – What you must do	Guidance – How you should do it
<p><u>LOCATING VICTIM CHILDREN AND VICTIM CHILDREN’S FAMILY</u></p> <p>Diligent efforts to locate must be performed to:</p> <ul style="list-style-type: none"> • Locate all alleged victim children; • Locate parents, including a noncustodial parent; and • Locate the family residence. <p>Diligent efforts are defined as persistent, relevant attempts to locate an individual or family. Diligent efforts must include, but are not limited to:</p> <ul style="list-style-type: none"> • Visits to the child’s or parent’s address at different times of the day and on different days; • Attempts to call last known phone number(s); • Searches on Accurant, ASSIST, and/or equivalent; • Letters to possible address(es); • Visits to the school or daycare the child attends; • Contact with extended family members; • Initial and ongoing discussion with children and known parents regarding any contact with absent parents or missing family members; • Review of past CPS records or another agency history (NC FAST); • Contact with utility providers and landlord(s); • Contact with service providers, public and private; 	<p>To locate a parent that is in prison, contact the NC Department of Public Safety Combined Records. Contact numbers and addresses for specific prisons can be found on the NC Division of Prisons website http://www.doc.state.nc.us/dop/index.htm.</p> <p>All inmates have a case manager or county child welfare worker that can assist in contacting a prisoner.</p> <p>County child welfare agencies are expected to be creative and flexible in determining the whereabouts of children, families, and/or parents who are not located by routine means.</p> <p>A diligent efforts guide is available for use.</p>

Diligent Efforts

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<ul style="list-style-type: none"> • Contact with reporter or other collateral contacts; • Contact with current or past employer(s); • Contact with Child Support, vital records, check of civil records (including VCAP); • Review of police reports, criminal history (DOC, NC and federal inmates, sex offender registry), court calendars check, contact with parole officers, etc.; • Review of internet searches (WhitePages, Anywho, etc.); and • Review of social media (Facebook, etc.). <p>Diligent efforts to locate a victim child, victim child’s family member or the victim child’s family must continue throughout an open case. A case staffing, including supervisor approval, must occur:</p> <ul style="list-style-type: none"> • To determine the frequency of diligent efforts for each case based on the safety and risk, and • Prior to ceasing diligent efforts. <p><u>IDENTIFYING AND LOCATING EXTENDED FAMILY MEMBERS</u></p> <p>Diligent efforts to identify and locate extended family members must occur at least once a month throughout an open case. See Extended Family. The same listing of diligent efforts described above pertains to identification and location of extended family members.</p> <p>Documentation in the case file must include:</p> <ul style="list-style-type: none"> • What diligent efforts were made by the county child welfare services agency to locate the child/family; • What the county child welfare services agency considers as sufficient diligent efforts for each case. The documentation must support the decisions by the agency regarding the frequency and length of time that diligent efforts continue. 	

Filing a Petition

Policy	Legal Basis
<p>The agency must make reasonable efforts to protect the child(ren) in their own home and to prevent placement.</p> <p>A county child welfare services agency must file a petition requesting adjudication of abuse, neglect, and/or dependency:</p> <ul style="list-style-type: none"> • When safety related circumstances necessitate the need for immediate removal; • Due to the family's unwillingness to accept critically needed services and those services are necessary to keep the family intact; or • When despite agency efforts to provide services, the family has made no progress towards providing adequate care for the child and those services are necessary to keep the family intact. <p>For the 2nd and 3rd bullet above, the petition may be filed with or without requesting non-secure custody, depending on the circumstances that exist in the family at the time.</p>	<p>Under N.C.G.S. § 7B-302(c), a county child welfare services agency is required to file a petition for the protection of the child when the parent, guardian, custodian, or caretaker refuses to accept the protective services provided or arranged by the county child welfare services agency. This petition may be filed with or without requesting non-secure custody, depending on the circumstances that exist in the family at the time.</p> <p>When preparing the Juvenile Petition alleging abuse, neglect, and/or dependency, N.C.G.S. § 7B-402 states, "The petition shall contain the name, date of birth, address of the juvenile, the name and last known address of the juvenile's parent, guardian, or custodian, and allegations of facts sufficient to invoke jurisdiction over the juvenile." N.C.G.S. § 7B-404 allows for the authorization of a magistrate by a judge when the clerk's office is closed.</p> <p>N.C.G.S. § 7B-406 reads, "Immediately after a petition has been filed alleging that a juvenile is abused, neglected, or dependent, the clerk shall issue a summons to the parent, guardian, custodian, or caretaker requiring them to appear for a hearing at the time and place stated in the summons."</p> <p>In extreme safety situation, N.C.G.S. § 7B-500(a) provides the county child welfare worker authority to take temporary physical custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, and/or dependent and that the child would be injured or could not be taken into custody if it were first necessary to obtain a court order.</p> <p>In cases in which custody of the child has to be removed from the caretaker due to the immediate safety needs of the child, the agency is authorized to obtain an order for non-secure custody under N.C.G.S. § 7B-502. Non-secure custody will only be granted when one or more criteria exist as specified in NCGS § 7B-503.</p> <p>N.C.G.S. § 7B-504 explains that the Order for Non-Secure Custody shall be in writing (form AOC-J-150) and directs a local law enforcement officer the authority to assume custody of the juvenile and to give a copy of the custody order to the juvenile's caretaker.</p>

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Policy	Legal Basis
	<p>Under N.C.G.S. § 7B-505, the court may place the child in a foster home or facility, with a relative, or with nonrelative kin. The Adoption and Safe Families Act (and § 7B-505(b)) includes the following statement: “In placing a juvenile in non-secure custody, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interest of the juvenile.”</p> <p>The county child welfare services agency may request custody under N.C.G.S. § 7B-903 at the dispositional hearing following adjudication.</p> <p>N.C.G.S. § 7B-904 statute specifically sets the procedure governing the contempt proceedings. Failure to comply with the order of the court may lead to the parent being found in civil or criminal contempt.</p> <p>All state and county agencies must comply with the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP). The Multiethnic Placement Act is designed to “prevent discrimination in the placement of children in foster care and adoption on the basis of race, color, or national origin; decrease the length of time that children wait to be adopted; and facilitate the identification and recruitment of foster and adoptive parents.” The Act prohibits states or agencies from delaying or denying the placement of any child on the basis of race, color, or national origin. Further, any consideration of race or ethnicity must be done in the context of individualized needs of the child, with the rationale specifically documented in the placement record.</p> <p>N.C.G.S. § 7B-101 statute defines reasonable efforts as: “The diligent use of preventive or reunification services by a department of social services when a juvenile’s remaining at home or returning home is consistent with achieving a safe, permanent home for the juvenile within a reasonable period of time. If a court of competent jurisdiction determines that the juvenile is not to be returned home, then reasonable efforts means the diligent and timely use of Permanency Planning Services by a department of social services to develop and implement a permanent plan for the juvenile.”</p>

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FILING A PETITION

This section specifies how to file a petition for adjudication for abuse / neglect / dependency with or without filing for non-secure custody. See CPS Assessment policy for petitioning regarding [Refusal to Cooperate with / Obstruction of a CPS Assessment](#).

When a county child welfare services agency determines that a petition is needed for the protection of a child alleged to be abused, neglected, or dependent, the petition must be drawn by the director or their designee, verified before an official authorized to administer oaths, and filed by the clerk, recording the date of filing. Whether removal of the child is required, the Juvenile Petition (form [AOC-J-130](#)) is filed with either the local clerk of court's office or, when the clerk's office is closed, with the local magistrate's office. Using the Administrative Office of the Courts (AOC) Juvenile Petition (form [AOC-J-130](#)) ensures that all of the information required is captured.

When a child is placed outside their county of residence as the result of a TPSA or Conflict of Interest (COI), whether during a CPS Assessment or In-Home Services, this does not change the original venue (resident county) when filing a Juvenile Petition.

Along with Juvenile Petitions, a Juvenile Summons and Notice of Hearing must also be filed (form [AOC-J-142](#)). The Juvenile Summons also contains the following information:

- A parent's rights to legal representation;
- In many districts, information relative to the date, time, and location of a prehearing conference or child planning conference;
- If the agency has assumed custody of the child or children when filing a petition, information related to the hearing on need for continued non-secure custody (7-day hearing);
- Information that the dispositional order (or any subsequent order) may require certain activities of either the parent or the juvenile or may even remove the juvenile from the parent's custody;
- Information related to the local law enforcement officer's ability or inability to serve the summons, petition, affidavit as to the status of a minor child, and order for non-secure custody (if applicable) on the persons identified within the summons;
- A notice to parents, guardians, or caretakers that they may be held in contempt of court if they fail to show, without reasonable cause, at the hearing specified; and
- An additional notice that with the service of the summons on the parents, guardians, or caretaker the court system has obtained jurisdiction over them and that their failure to comply with any court order may result in the court issuing a show cause order for contempt.

Juvenile Petitions should also include information relative to the agency's knowledge about issues including:

- Paternity or information on absent / missing parent(s);
- Known relatives able and willing to provide care for the child(ren);

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- Child's Mexican heritage;
- ICWA related issues;
- MEPA related issues;
- **Information regarding the parent's military affiliation** (<http://www.nccourts.org/Forms/Documents/1664.pdf>) Service Members Civil Relief Act Affidavit; and
- Siblings or other juveniles remaining in the home and any specific findings of the assessment of the juveniles or any actions taken to secure the protection of the juveniles.

Protocol – What you must do	Guidance – How you should do it
<p>Any petition initiated by a county child welfare services agency must:</p> <ul style="list-style-type: none"> • Clearly state all the conditions that would invoke the court's jurisdiction; and • Contain sufficient information to make a legally valid case. <p>A county child welfare supervisor (or another county manager position) must approve the decision to file a petition prior to filing a petition.</p> <p><u>SAFETY CIRCUMSTANCES REQUIRING NON-SECURE CUSTODY</u> See Safety for list of circumstances requiring non-secure custody.</p>	<p>Parental behavior alone does not constitute a basis for a petition or non-secure custody. There is a basis for agency intervention only when the parent's behavior causes harm or risk of harm to a child(ren).</p> <p>County child welfare workers should consider the situation and its effect on the child before exercising the right to intervene, and most especially the need to remove a child. County child welfare workers should consider the possibility of first reducing the risk of harm to the child through the provision of services in the home. In making the decision whether to remove a child, county child welfare workers should evaluate the risk of harm to the child in the home compared to the harm that will be caused by the removal.</p> <p>County child welfare workers should consider staffing the case with the county child welfare services agency's designated attorney prior to the decision to file a petition.</p> <p>SAFETY CIRCUMSTANCES REQUIRING NON-SECURE CUSTODY The initial decision to remove the child should be based on whether</p>

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Protocol – What you must do	Guidance – How you should do it
<p><u>Temporary Custody in Extreme Safety Situations</u></p> <p>In an extreme safety situation, the county child welfare worker must take temporary physical custody without a court order if there are reasonable grounds to believe that the juvenile is abused, neglected, and/or dependent and that the child would be injured or could not be taken into custody if it were first necessary to obtain a court order. The county child welfare worker must arrange for the placement, care, supervision, and transportation of the juvenile while in the temporary custody of the county child welfare worker.</p> <p>Upon notification by the county child welfare worker of the extreme safety situation, the agency director or their designee determines whether to file a petition for non-secure custody. If no petition is filed, the child must be returned to the parent from whom he or she was removed. When taking a juvenile into temporary custody, the agency must:</p> <ul style="list-style-type: none"> • Notify the parent, guardian, or custodian that the juvenile has been taken into custody and advise the caretaker of the right to be present with the juvenile until a determination is made of the need for non-secure custody (county child welfare worker must make every reasonable effort to notify the caretaker; however, failure to notify the caretaker that the juvenile is in temporary custody is not be grounds for release of the juvenile); • Release the juvenile to the parent, guardian, or custodian when the need for custody no longer exists; and • File a petition within twelve (12) hours and obtain an order from the district court judge for non-secure custody if the need for non-secure custody exists. 	<p>it is safe for the child to remain in the home. Criteria determining safety should be objective and behaviorally specific and documented. The documentation should include terms that describe specific behaviors and patterns of parental care which have resulted in, or are likely to result in, harm to the child.</p> <p>Removal of a child from his home has negative consequences for the child, even when necessary to protect the child's safety. Therefore, removal should be approached with great caution. Removal will never be in the child's best interest unless the removal is part of an overall plan, not only for safety but also for a timely, appropriate and permanent resolution.</p> <p>County child welfare agencies are strongly encouraged to record the allegations of fact regarding the caretaker's neglectful and/or abusive behavior along with allegations of fact of the harm this neglectful and/or abusive behavior has caused to the children. Both should be stated in a plain, concise, and objective manner. Petitions should also state the severity of harm and explain how the behavior of the caretaker has resulted in the children's condition. The petition should also state the ability and willingness of the caretaker to adequately care for the child and, if appropriate, any services the parents have been offered but have refused. Petitions should also specifically state the efforts the agency made with the family to prevent the need for removal of the child. Finally, the petition should state clearly that the children need the court's protection by citing any relevant statutes.</p> <p>These petition statements should be broad enough to allow introduction of all evidence that the agency considers important to</p>

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Protocol – What you must do	Guidance – How you should do it
	<p>the case. Statements should only include what the agency believes to be facts in the case, not observations or opinions held by others. County child welfare workers should be aware that while only those allegations that rise to level of abuse, neglect, and/or dependency are to be included on the petition, some allegations might support more than one category. County child welfare workers should, in consultation with their agency's legal counsel, thoughtfully examine the benefits and the drawbacks to whether to petition for abuse, neglect, and/or dependency.</p>
<p><u>PETITION REQUIREMENTS REGARDING PARENT/CARETAKER SERVICES</u></p> <p>Whenever a juvenile is removed from the home of a parent, guardian, custodian, stepparent, or adult relative entrusted with the juvenile's care due to physical abuse, the director must conduct a thorough review of the background of the alleged abuser or abusers. This review must include a:</p> <ul style="list-style-type: none"> • Criminal history check and • Review of any available mental health records. <p>If the review reveals that the alleged abuser or abusers have a history of violent behavior against people, the director must petition the court to order the alleged abuser or abusers to submit to a complete mental health evaluation by a licensed psychologist or psychiatrist.</p>	

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Protocol – What you must do	Guidance – How you should do it
<p><u>UNWILLINGNESS TO ACCEPT CRITICALLY NEEDED SERVICES OR DESPITE AGENCY EFFORTS TO PROVIDE SERVICES OR NO PROGRESS HAS BEEN MADE TOWARD PROVIDING ADEQUATE CARE FOR THE CHILD</u></p> <p>The Juvenile Petition (form AOC-J-130) filed by county child welfare agencies in situations above is the same petition filed when the agency is seeking custody. The petition can be filed without an Order for Non-secure Custody (form AOC-J-150) if the county child welfare services agency determines that removal of the child(ren) from the home is not required due to safety.</p> <p>Upon an adjudication finding that the juvenile is abused, neglected, and/or dependent, a dispositional hearing is held. At the dispositional hearing, the court can require the caretaker to engage or comply with actions or services to remediate or remedy behaviors or conditions that led or contributed to the juvenile being adjudicated as abused, neglected, and/or dependent.</p> <p>Filing a petition requesting adjudication of abuse, neglect, and/or dependency due to a lack of progress or engagement does not have to involve non-secure custody. An individualized decision must be made for each case about the need for court involvement with or without custody based upon whether removal of the child(ren) from the home is necessary for their protection.</p> <p>If the child has been adjudicated abused, neglected, and/or dependent and, at a later date, the agency decides that non-secure custody is necessary to protect the child, the agency must ensure that the non-secure custody order removing the child contains language stating that the removal is in the child’s best interest or that the child remains in the home is contrary to the welfare of the child. This involves removing the child after a hearing on custody or, if non-secure custody grounds exist, obtaining an ex-parte non-secure custody order.</p>	

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Protocol – What you must do	Guidance – How you should do it
<p><u>NOTIFICATION</u></p> <p>The county child welfare services agency must notify the following when a juvenile petition is filed. This includes, but is not limited to:</p> <ul style="list-style-type: none"> • All named respondents (parents, caretakers); • Within 30 days, adult relatives (grandparents, great-grandparents, siblings, nieces, nephews, aunts and uncles). See Permanency Planning policy. This notification must occur even if the child is placed with a relative or fictive kin at the time when the county child welfare services agency petitions for custody. <p><u>Notification Of Mexican Parentage</u></p> <p>The county child welfare services agency must inquire at the time the decision is made to take custody whether a child has any Mexican parentage. The county must notify the Mexican Consulate within 10 days of the decision to take custody the following information:</p> <ul style="list-style-type: none"> • The full name of the child; • The child's date of birth; • The full name of the parent or custodian; and • A name and phone number of the county child welfare worker directly responsible for the case. <p><u>ICWA</u></p> <p>See ICWA for additional notification requirements for American Indian children.</p>	
<p><u>COURT HEARING</u></p> <p>A hearing must occur within seven days when a child is removed from home by a non-secure order and may be postponed for no more than 10 business days with the parent's consent. The non-secure order must give specific sanction for a placement other than a licensed placement provider.</p>	

Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p><u>PREPARING PARENTS AND CHILDREN</u></p> <p>The parents must be appropriately prepared for placement of their children into agency custody by explaining:</p> <ul style="list-style-type: none"> • The reason for the removal; • Appropriate details about the placement provider; • What to expect from the placement provider and county child welfare worker; • How to reach the county child welfare worker and/or agency; • When the next contact with the child will occur; and • The legal process. <p>The <i>Understanding Foster Care – A Handbook for Parents</i> (DSS-5201) must be provided to the parents.</p> <p>The child must be prepared for placement into agency custody based on their level of understanding by explaining:</p> <ul style="list-style-type: none"> • The reason for the removal; • Appropriate details about the placement provider; • What to expect from the placement provider and county child welfare worker; • How to reach the county child welfare worker and/or agency; • When the next contact with their parents will occur; and • When the next contact with their siblings will occur. <p>For youth ages 12-17 entering county child welfare custody, a copy of the <i>Understanding Foster Care – A Handbook for Youth</i> (DSS-1516) must be provided to the youth.</p>	<p>PREPARING PARENTS AND CHILDREN</p> <p>Preparing children and parents for placement can be accomplished even when the removal is an emergency. County child welfare workers need to enlist the cooperation of the parent in helping the child understand the need for a new living arrangement. If the parent cannot do this, the county child welfare worker must take this role with the child. Even very young children can understand that a change is being made and that the parent cannot care properly for the child at this time.</p> <p>It is generally helpful if the county child welfare worker can provide pictures of the placement provider when the child does not know the provider. This can be done on the way to the foster home and can help the child begin to master the move.</p> <p>Young children have a different concept of time and they have vivid imaginations. In strange surroundings, they imagine that terrible things have happened to the parent or that they will never see members of the family again. The county child welfare worker is the child's link to his family in the first few hours of the move.</p> <p>Through the eyes of the child, it is traumatic to be removed from parents and home. To be separated from siblings adds to the impact of loss and trauma. When siblings can remain together in an out-of-home placement, there can be a greater sense of continuity of family. Frequently, older children will have had some responsibilities for caring for younger siblings when in their own home, and they may feel worried and protective regarding these siblings if separated from them. Likewise, the younger siblings may have looked to their older siblings for comfort and guidance.</p>

Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p><u>PREPARING PLACEMENT PROVIDERS</u></p> <p>The placement provider must be appropriately prepared for the placement by providing the following:</p> <ul style="list-style-type: none"> • Medical information about the child; • Any medications, glasses, hearing aids, etc.; • Any upcoming appointments the child(ren) will need to attend; • Necessary information regarding the child’s educational needs; • Specific information regarding the child’s behaviors; • Any other strengths and needs of the child; and • Any other information that will make the transition less traumatic for the child(ren). <p>Placement providers must be provided county child welfare services agency contact information.</p> <p>Placement providers have a need to know the HIV status of children in their care. Infections or viruses that are less serious in a non-infected child can be fatal to an HIV-infected child, and placement providers must be aware of symptoms that require immediate medical attention. However, prior to disclosure of a child’s HIV status, child welfare agencies must consider and protect the child’s right to confidentiality. While concern for confidentiality exists throughout the service delivery system, information regarding persons infected with HIV requires special consideration. This is due to the potential social and psychological damage that can be caused by inappropriate sharing of such information.</p> <p>If the child is in the legal custody of the county child welfare services agency, the county child welfare worker must provide the placement provider with the Health Summary Form – Initial (DSS-5206) at the time of placement.</p>	<p>PREPARING PLACEMENT PROVIDERS</p> <p>Before a child is placed with prospective placement providers, the provider should be adequately prepared and have appropriate knowledge and skills to provide for the needs of the child.</p> <p>Any information regarding the child’s bedtimes, routines, favorite foods, etc. that was gathered from the parent(s) should be shared with the placement provider at the time of placement. Knowledge of such things can help the child feel more comfortable.</p> <p>It is important for the placement provider to know what may be expected from the child behaviorally to respond appropriately to those behaviors.</p> <p>The county child welfare worker should also inform the placement provider of the concurrent permanency planning process for the child and of possible concurrent plans for achieving permanence for the child. The foster parent should be informed of their role in planning for the child in partnership with the agency and the birth family.</p> <p>At the time of placement, when the county child welfare services agency provides agency contact information, the placement provider should be reminded to contact the agency when, but not limited to:</p> <ul style="list-style-type: none"> • Any child injury or medical issue; • Any child significant behavioral issue; • Any disclosure by the child regarding incidents of abuse and/or neglect; • Any scheduled or canceled child appointments; and/or • Any challenge that could have an impact on the stability of the placement.

Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p><u>PLACEMENT OF CHILDREN</u></p> <p>When removal from the home is required, the agency must arrange for and maintain a single, stable living arrangement for the child. The agency must first assess:</p> <ul style="list-style-type: none"> • Whether any relatives are willing and able to care for the child, and • The extent to which the placement with a relative is in the best interest of the child. <p>The Initial Provider Assessment (DSS-5203) and the Comprehensive Assessment (DSS-5204) and the Comprehensive Assessment Instructions (DSS-5204ins), along with criminal and other background checks, must be used to assess relatives/kinship care providers. See Using Kinship Provider.</p> <p>The assessment of any identified placement must be sufficiently thorough to allow the court to make an informed decision. The judicial process must be directed toward the goal of ensuring a safe, permanent home for the child within a reasonable time.</p> <p>Prior to placement with a relative outside North Carolina, the placement must be in accordance with the Interstate Compact on the Placement of Children.</p> <p>If a relative cannot be identified as an appropriate placement for the child, a placement resource must be chosen for the child(ren) that ensures that the child is placed:</p> <ul style="list-style-type: none"> • In the least restrictive setting; • In the most family-like setting; • In close proximity to the parent’s home; and • In a setting that is consistent with the safety and best interests, strengths, and special needs of the child. 	<p>PLACEMENT OF CHILD(REN)</p> <p>Carefully choosing the best placement resource is critical to the goal of one single, stable, safe placement within the child’s own community.</p> <p>When children cannot be assured safety in their own homes, the best alternative resource can often be found within the extended family and other “kin.” Kinship is the self-defined relationship between two or more people and is based on biological, legal, and/or strong family-like ties. Parents and guardians facing the risk of child placement should be given a reasonable opportunity to identify and come together with their kinship network to plan for and provide safety, care, nurture, and supervision for the child. The agency has the responsibility of assessing the suggested resource to assure that the child will receive appropriate care.</p> <p>At the first conversation with relatives or kin about having a child(ren) placed with them, it is critical that a thorough discussion about all options occurs. A critical piece of information for the relative or kin considering taking the child(ren) into their home at the time of non-secure custody is the possibility of becoming a licensed foster parent or for adoption should the plan for reunification not be achieved. This conversation should occur during the kinship care assessment as well as when any changes in the planning occur.</p> <p>Whether licensed as a foster home or not, kinship care providers should be valued and treated as partners with the birth family and the agency. This includes notifying relatives providing care for a child of any court review or hearing to be held about the child and of their opportunity to be heard in court.</p>

Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p>Documentation must reflect the diligent efforts made to provide a placement that meets the above criteria or reasons why this is not possible. Carefully choosing the best placement resource is critical to the goal of one single, stable, safe placement within the child’s own community.</p> <p>Out-of-state placements must comply with the Interstate Compact on the Placement of Children (ICPC). County child welfare agencies must:</p> <ul style="list-style-type: none"> • Consider in-state and out-of-state options when making reasonable efforts to place the child in accordance with the permanent plan and to finalize the permanent plan; and • Consider in-state and out-of-state permanent placement options at permanency hearings. (If a child is in an out-of-state placement at the time of the hearing, the permanency hearing must determine whether the out-of-state placement continues to be appropriate and, in the child’s, best interests.) <p>A child must only be moved when it is in their best interest and there are clear indicators documented to support the necessity of the move.</p>	<p>Kinship care providers may not be aware of the impact of abuse and may be reluctant to agree to a non-corporal punishment policy. The agency should discuss and formalize a child-specific alternative discipline plan for children in agency custody.</p> <p>County child welfare workers should use family-centered practice tools that focus on a mutual sharing of information among agency staff, other professionals, the family, and their kinship network. Families, along with their kinship network, should be fully involved in the decision-making process from the point of initiation of services so that the resources and wisdom of the family and its culture can be tapped. The family’s understanding incorporates an historical perspective of the problems faced by the family, as well as their efforts to remedy those problems. They can confront the problems and help provide realistic supports needed to help the child and their family of origin move toward healing.</p> <p>Placement of children under 12 years of age in group care should only be considered after other, less restrictive and/or more family-like options have been seriously pursued. Residential/group care should only be used when it clearly meets the well-being needs of the child and no other family setting is available for that child.</p> <p>In addition, the federal Child and Family Services Review assesses (in Permanency Outcome 2) the state’s performance in (1) placing children in county child welfare custody in close proximity to their parents and close relatives; (2) placing siblings together; (3) ensuring frequent visitation between children and their parents and siblings in county child welfare custody; (4) preserving connections of children in county child welfare custody with extended family, community,</p>

Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p><u>EDUCATIONAL STABILITY</u></p> <p>Placement of a child must consider the appropriateness and proximity of the current educational setting. To comply with this requirement the county welfare agency must:</p> <ul style="list-style-type: none"> • Coordinate with the local educational agency to ensure that a child remains in their current school, or • If remaining in that school is not in the child’s best interest, assure immediate enrollment of the child in a new school with all educational records provided. <p>When a county child welfare services agency takes custody of a child, a Best Interest Determination (BID) meeting regarding the child’s school placement must occur prior to a change in school. If the BID meeting does not occur prior to the child’s new placement, a BID meeting must be scheduled within five school days after the child’s placement.</p> <p>The Foster Child Notification of Placement (Change) Form (DSS-5133) must be provided to the child’s current school. See DSS-5133ins.</p> <p>When an emergency placement requires a school change prior to holding a BID meeting, the Foster Child Immediate Enrollment Form (DSS-5135) must be provided to the new school. See DSS-5135ins.</p>	<p>cultural heritage, religion, and schools; (5) seeking relatives as potential placement resources; and (6) promoting the relationship between children and their parents while the children are in county child welfare custody.</p> <p>EDUCATIONAL STABILITY</p> <p>The BID meeting regarding a school change for a child(ren) should be coordinated with the pre-petition CFT meeting, whenever possible and appropriate.</p>

Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p>SHARED PARENTING</p> <p>The county child welfare worker must facilitate an initial shared parenting meeting between the parent(s) and placement provider(s) no later than 14 days after a child(ren)'s placement out of the home.</p>	<p>SHARED PARENTING</p> <p>A shared parenting meeting between the parent(s) and placement provider(s) should occur as soon as possible to ensure that the partnership has a strong beginning and is supported by the county child welfare services agency. When the parent and placement provider meet the day the child(ren) enters county custody, the adults can share information about the child(ren) that will make the transition for the child(ren) must less difficult. The county child welfare worker should coach the parent through this first interaction to maintain focus on the needs of the child(ren). The foster parent and county child welfare worker should partner with the birth parent to maintain the parent's connection to the child while continually focusing on the welfare of the child. This connection can preserve and/or rebuild the relationship, leading to long-term good outcomes for children and families. Shared parenting emphasizes foster parents as being a support to birth families instead of substitute caretakers.</p>

Placement (or Placement Change) Preparation and Follow-Up

Protocol – What you must do	Guidance – How you should do it
<p><u>AFTER PLACEMENT</u></p> <p>Within 7 calendar days following out-of-home placement the county child welfare services agency must:</p> <ul style="list-style-type: none"> • Have face-to-face contact with the child to assess the child's adjustment to the placement, or • Document diligent efforts and a plan to address these requirements. <p>The 7-day contact with a child(ren) is in addition to any contact or interaction with the child(ren) at time of placement.</p> <p>Within 7 days the county child welfare services agency must also:</p> <ul style="list-style-type: none"> • Provide to the placement provider the Child Education Status (DSS-5245); • Ensure a medical exam occurs for the child(ren)—use the Health Summary Form - Initial (DSS-5206); • Have face-to-face contact with at least one placement provider (if more than one adult caretaker resides in the home) must occur within 7 days after the day of placement. the placement provider in the provider's home; and/or • Document diligent efforts and the plan to address these requirements. <p>See Permanency Planning for additional After Placement requirements.</p>	

Temporary Safety Providers & Kinship Providers

Policy
<p>When during provision of child welfare services a child is placed in the care of a provider other than the parent or caretaker, the county child welfare services agency must remain involved and maintain the required contacts with the child, the family providing placement, and the family until safety can be assured and the child can be reunified with the family or until the child is in a legally secure placement, whether it be custody or guardianship or adoption. Parents must be involved, as well as the safety provider, with the county child welfare services agency in planning at every stage of the case.</p>
Definitions
<p>Safety Provider: Any person or persons (either Temporary Safety Provider or Kinship Provider) that is not the parent or caretaker but is providing care for a child and is required for child safety.</p> <p>Temporary Safety Provider: A voluntary, temporary intervention made between a parent and a county child welfare services agency during the delivery of child protective services. Temporary Safety Providers are used to address immediate safety threats to a child when a child is found unsafe in the care of their parents/caretakers during child protective services. Temporary Safety Providers must only be used when less intrusive safety interventions are not sufficient. Temporary safety providers may care for the child outside of the child's home or provide supervision of the parent's contact with the child in or outside of the child's home.</p> <p>Kinship Provider: A relative or fictive/nonrelative kin identified or in place during Permanency Planning Services. Kinship is the self-defined relationship between two or more people and is based on biological, legal, and/or strong family-like ties. Identification of a Kinship Care Provider by a parent is desired; however, a parent may not always agree with the decision to evaluate or place a child with a specific kinship care provider. Placement with a Kinship Care Provider often lasts for months or years, must have court oversight, and addresses safety and/or risk factors.</p> <p>Nonrelative Kin: An individual having a substantial relationship with the juvenile. In the case of a juvenile member of a state-recognized tribe as set forth in G.S. 143B-407(a), nonrelative kin also include any member of a state-recognized tribe or a member of a federally-recognized tribe, whether or not there is a substantial relationship with the juvenile. http://www.ncga.state.nc.us/enactedlegislation/statutes/pdf/bychapter/chapter_7b.pdf</p>

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
<p><u>INITIATING USE OF A SAFETY PROVIDER, TEMPORARY SAFETY PROVIDER, OR KINSHIP PROVIDER</u></p> <p>When a Temporary Safety Provider or Kinship Provider is identified, the following must occur prior to the child being left in the care of the provider:</p> <ul style="list-style-type: none"> • Background checks, including: <ul style="list-style-type: none"> ○ Criminal check. A review of ACIS for any criminal charges or convictions in North Carolina through the AOC database or equivalent; ○ Check of Civil Case Processing System (VCAP) for civil actions such as domestic violence protective orders; and ○ Review of county child welfare services agency records and RIL records. • Initial Provider Assessment, DSS-5203, which includes a home visit, as evidenced by county child welfare worker and provider signatures. • Approval of the Initial Provider Assessment by the county child welfare services agency supervisor. Approval at the time of the assessment may be verbal. The Initial Provider Assessment must be signed by the supervisor within 3 days. • Documentation of all the above. <p>CPS Central Registry check for previous CPS involvement must be completed prior to use of a Temporary Safety Provider (for open CPS cases).</p> <p>When a Temporary Safety Provider will be supervising contact of the parent with his or her child and not providing care in the Safety Provider’s residence, some aspects of the Initial Provider Assessment are not required as defined in the instructions. All background checks must still be completed.</p> <p>A review of 911 call logs for the address of all Temporary Safety Providers or Kinship Providers must also occur. As this cannot always be completed within the timeframe</p>	<p>INITIATING USE OF A SAFETY PROVIDER, TEMPORARY SAFETY PROVIDER, OR KINSHIP PROVIDER</p> <p>ASSIST can be used to complete provider background checks, but results should be validated.</p> <p>Critical information for the relative or kin considering taking the child into their home is the potential for adoption down the road, even if that is not the plan at the time. If the child has never been in the custody of a county child welfare services agency before being adopted, Adoption Assistance is not an option. If that relative or kin later adopts the child, they cannot receive Adoption Assistance. Relatives need to understand that the county child welfare services agency may be involved and not have custody; therefore, it is critical because of future implications as described above, that the county child welfare services agency is very clear about this when working with relatives.</p> <p>In some cases, the county child welfare services agency may file a petition for abuse or neglect and obtain a non-secure custody order. At the adjudication/disposition, the county child welfare services agency may recommend custody be awarded to the relative or kinship caregiver. Adoption Assistance later would be an option because the child was in the custody of a county child welfare services agency, though briefly.</p> <p>At the first conversations with relatives or kin about having the child placed with them, either by the parent with county</p>

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<p>necessary to assess and approve use of a Temporary Safety Provider or Kinship Provider, it must be completed within one week.</p>	<p>child welfare involvement, or by the county child welfare services agency through court order, all options must be explained. This should occur throughout the case when changes in the planning occur.</p>
<p><u>USE OF TEMPORARY SAFETY PROVIDERS (CPS ASSESSMENTS & IN-HOME SERVICES)</u></p> <p>The county child welfare services agency must assess the Temporary Safety Provider and their residence (assessment of the provider’s residence is not required when the Temporary Safety Provider moves into the family home or supervises contact with a parent at a location not within the Temporary Safety Provider’s residence) when it is determined that a Temporary Safety Provider is necessary to ensure safety, either through:</p> <ul style="list-style-type: none"> • The child staying in the residence of the Temporary Safety Provider or • A Temporary Safety Provider moving into the family home to supervise parental contact. <p>The Temporary Safety Provider must be someone that both parents and the county child welfare worker agree will safely care for the child.</p> <p>Use of a Temporary Safety Provider must be a last resort and must not be done if an intervention can be identified that will keep the child safe without separation or restriction of a parent’s access.</p> <p>Use of a Temporary Safety Provider must be voluntary. A county child welfare worker must never attempt to coerce a parent into agreeing to a Temporary Safety Provider.</p> <p>When use of a Temporary Safety Provider is proposed, a Child and Family Team (CFT) meeting must be held. If it is not possible to hold the CFT meeting prior to the separation or restriction due to an urgent need to maintain safety, the CFT meeting</p>	<p>USE OF TEMPORARY SAFETY PROVIDERS</p> <p>Whenever a Temporary Safety Provider is used, the county child welfare services agency should consider the additional trauma that the child(ren) will experience. The county child welfare services agency should prepare the child(ren) for the transition to the Temporary Safety Provider and for the return to their home.</p> <p>The option to use a Temporary Safety Provider, even when the parent does not agree, may be included as an effort to prevent removal when asking the court to find that the agency made reasonable efforts.</p> <p>If the proposed Temporary Safety Provider lives in another county and is within driving distance, the county child welfare worker (either the CPS Assessment or In-Home Services worker) should conduct the Initial Provider Assessment, including making a visit to the home of the Temporary Safety Provider, or assistance should be requested from the safety provider’s county of residence.</p>

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<p>must be held as soon as possible. For protocol regarding what to do before children are placed with a Temporary Safety Provider, see Initiating Use of a Safety Provider.</p> <p>If at any time a parent is not in agreement with the use of a Temporary Safety Provider and the county agency determines that use of the Temporary Safety Provider is necessary to ensure safety, the county child welfare services agency must file a petition and request non-secure custody.</p> <p>If use of the Temporary Safety Provider includes a provision that the Temporary Safety Provider will supervise contact of the parent(s) with the child, it must be clear that the arrangement remains voluntary on the parent's part. If at any time the parent is not in agreement with the need for the contact to be supervised, the county child welfare services agency must file a petition in juvenile court.</p> <p>If the proposed Temporary Safety Provider lives in another county, the county child welfare worker must ask the Temporary Safety Provider's county for permission to enter the county for the purposes of conducting the home visit and Initial Provider Assessment.</p> <p>Whenever the Safety Assessment determines an intervention requiring separation or restriction of a parent's access to their child is necessary and the family names a Temporary Safety Provider that resides in another state, the agency conducting the CPS Assessment must file a juvenile petition and request non-secure custody and comply with Interstate/Intercountry Services for Children ICPC policy. The only exception is for CPS Assessment cases for families that reside in counties that have a border agreement with a neighboring state.</p> <p><u>MONITORING USE OF A TEMPORARY SAFETY PROVIDER</u></p> <p>Contacts with each child in the care of a temporary safety provider must:</p> <ul style="list-style-type: none"> • Occur in the home at least once a month and 	<p>If the Temporary Safety Provider lives in another county and does not live within driving distance of the county child welfare services agency conducting the CPS Assessment, the county child welfare worker conducting the CPS Assessment should contact the agency where the Temporary Safety Provider lives to arrange for a county child welfare worker from the county where the Temporary Safety Provider lives to make an immediate home visit and conduct the Initial Provider Assessment.</p> <p>When a parent identifies a relative/kin for use as a Temporary Safety Provider, the same protocol for approval and monitoring that placement is used as for all Temporary Safety Providers. The term Kinship Provider is only applied to relative/kin placement providers when a child is open for Permanency Planning Services.</p> <p>MONITORING USE OF A TEMPORARY SAFETY PROVIDER</p> <p>Monitoring of the parent/caretaker's progress to address the safety threat that requires use of the Temporary Safety</p>

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<ul style="list-style-type: none"> Occur at the frequency required to monitor safety and risk. Refer to the appropriate function (CPS Assessments or In-Home) for the requirements regarding the frequency of contacts. <p>Every contact must:</p> <ul style="list-style-type: none"> Include observations of each person, their behavior, and the environment, especially related to safety or risk; Describe specific interactions with each household member; and Explain the inability to interview any child, if appropriate. <p>Contact with the Temporary Safety Provider must:</p> <ul style="list-style-type: none"> Include discussion regarding any needs or issues regarding the child(ren); Occur face-to-face at least once a month; and Include observation of the child(ren) and the safety provider during the face-to-face contact. <p>For CPS Assessments, when use of a Temporary Safety Provider continues beyond 29 days, a review of the Initial Provider Assessment must be completed within 30 days and within every 30 days after until the case decision date. An updated criminal records check on anyone in the home over age 16 and a request for 911 call logs must occur at the time of each review.</p> <p>For In-Home Services cases, the Comprehensive Provider Assessment (DSS-5204), must be completed for Temporary Safety Providers:</p> <ul style="list-style-type: none"> When use of the Temporary Safety Provider continues over 29 days after the case decision date and transfer to In-Home Services, or When use of the Temporary Safety Provider initiates during an In-Home Services case and continues in use over 29 days after it was initiated. 	<p>Provider should be case specific. The number of visits to the home to which the child(ren) will return, in addition to the one required visit, should be case specific.</p> <p>The frequency of contact with the safety provider, above the once per month required contact, should be case specific.</p>

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<p>The Comprehensive Provider Assessment must be completed within 30 days of case decision or initiation based on the above.</p> <p>Monitoring of the parents' progress to address the safety threat that requires use of the Temporary Safety Provider must:</p> <ul style="list-style-type: none"> • Identify progress by the parent(s) to address the safety threat; • Confirm with the parent(s) that use of the Temporary Safety Provider remains voluntary; • Include visits to the home where the child(ren) will return that is consistent with the risk level of the home; and • Be staffed by the county child welfare worker with the case supervisor to determine what progress is required and the number/frequency of visits to the home to which the child will return prior to the child(ren)'s return. <p>The county child welfare services agency must remain involved with the safety provider and the birth family until:</p> <ul style="list-style-type: none"> • The child's ongoing safety is assured, and the child can return to the home of the birth family and the placement is legally secure, or • The county child welfare services agency files petition for custody. If a child(ren) cannot be returned to the home from which they were removed because of safety, the case cannot be closed until legal permanence has been obtained for the children. <p>Temporary Safety Providers are NOT legally secure for the child or for the caregiver. A case must not be closed until legal security for the child has been established through return to the parents or custody or guardianship to the relative or kin.</p>	

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
<p><u>TERMINATION OF A TEMPORARY SAFETY PROVIDER</u></p> <p>Use of a Temporary Safety Provider must end once the safety threat has been addressed. When terminating a Temporary Safety Provider, the county child welfare services agency must:</p> <ul style="list-style-type: none"> • Hold a CFT, • Develop a plan for return of the child to the care of their parent, and • Perform a home visit in the parent(s)'s home within 24 hours after the child(ren)'s return to the home. An interview with the child, separate from the parent, must occur within 24 hours after the child(ren)'s return to the home. 	
<p><u>USE OF KINSHIP PROVIDERS (DURING PERMANENCY PLANNING SERVICES)</u></p> <p>Placement with relatives or kin must be considered for children who are removed from their homes and in the custody of a county child welfare services agency.</p> <p>To maximize the possibility of a positive kinship placement, a thorough assessment must be conducted to evaluate the suitability of the placement. See Initiating Use of Safety Provider.</p> <p><u>Monitoring Kinship Providers</u></p> <p>For Permanency Planning cases, the Comprehensive Provider Assessment (DSS-5204) must be completed for Kinship Providers:</p> <ul style="list-style-type: none"> • When use of the Kinship Provider continues over 29 days after the case is transferred to Permanency Planning, or • When use of the Kinship Provider initiates during Permanency Planning Services and continues in use over 29 days after it was initiated. <p>The Comprehensive Provider Assessment must be completed within 30 days of the child entering custody if the child is already placed out of the home, or within 30 days of the child's placement in the home of the kinship provider (if placed after entering custody).</p>	<p>USE OF KINSHIP PROVIDERS</p> <p>Providing all information to a kinship provider is a very important part of concurrent planning and provides the kinship care provider with valuable information that has implications later, especially as plans for permanency change for the child as time goes on.</p> <p>It is critical that the agency demonstrate sensitivity to the unique issues that are present when relatives and other kin are assessed for their suitability to parent children. Assessment should be based on an understanding of the kinship family's culture and community, child rearing approaches, and family dynamics, and should focus on the ability of the family to meet the immediate and ongoing needs of the child.</p> <p>If kin are determined to be suitable for the care and nurturing of the child, but the home cannot meet all foster care licensing requirements, the agency may submit justification for a waiver to the Section Chief of Children's Services, NCDSS. In North Carolina, many licensure</p>

Temporary Safety Providers & Kinship Providers

Protocol – What you must do	Guidance – How you should do it
<p>In addition to completing the initial and comprehensive assessment, agency staff must maintain sufficient contact with the kinship care provider and the child to assure that the basic physical and emotional needs of the child are being met and that the kinship care provider is receiving adequate informal and formal support to meet those needs. Whether the home is licensed as a foster home, county child welfare workers must maintain contact as designated in Permanency Planning protocol.</p> <p>County child welfare agencies must discuss with kinship providers the option to become a licensed foster parent and consider licensing a kinship provider as a foster parent if they want to be licensed and meet licensing requirements.</p>	<p>requirements may be considered for waiver if approval is in the best interest of the child, if the health, safety and protection of the child is assured, and if the county child welfare services agency recommends that the waiver(s) be granted. There are no waivers for training requirements, for well inspection requirements, or for placements that have outside toilet facilities.</p>
<p><u>SERVICES FOR SAFETY PROVIDERS, TEMPORARY SAFETY PROVIDERS, OR KINSHIP PROVIDERS</u></p> <p>For all safety providers, services must be identified and provided to assure that the safety provider can meet the child’s needs.</p> <p>The safety provider must be invited to participate in planning at every stage of the case, including but not limited to:</p> <ul style="list-style-type: none"> • Development and reviews of Family Services Agreements; • Medical, mental health, educational, and other appointments regarding the child in their care; and • CFTs and PPRs. 	<p>SERVICES FOR TEMPORARY SAFETY PROVIDERS OR KINSHIP PROVIDERS</p> <p>Agency staff should help the safety provider locate and develop support and resources needed in caring for the child.</p> <p>Some services frequently requested by safety providers are:</p> <ul style="list-style-type: none"> • “Grandparent” support groups open to all kinship caregivers regardless of age; • Legal assistance in obtaining permission to enroll the child in school, to obtain medical attention or to obtain legal custody or guardianship; • Assistance navigating the social services system to get approved for food stamps, Work First Family Assistance, Medicaid, or state supported insurance coverage for the child, child support, or day care services; and • Information and referral services to connect with informal and formal service providers in the local community.

Domestic Violence

Purpose

Following are the six principles developed through the Child Well-Being and Domestic Violence Task Force to address the intersection of child safety, permanence, well-being, and domestic violence.

- Enhancing a non-offending parent/adult victim's safety enhances their child(ren)'s safety.
- Domestic violence perpetrators may cause serious harm to the child(ren).
- Domestic violence perpetrators, not their victims, should be held accountable for their actions and the impact on the well-being of the non-offending parent/adult victim and child victims.
- Appropriate services, tailored to the degree of violence and risk, should be available for non-offending parent/adult victims leaving, returning to, or staying in abusive relationships. These services should also be available for child victims and perpetrators of domestic violence.
- Children should remain in the care of the non-offending parent/adult victim whenever possible.
- When the risk of harm to the child outweighs the detriment of being separated from the non-offending parent/adult victim, alternative placement should be considered.

The primary focus in cases involving domestic violence is the assessment of risk posed to children by the presence of domestic violence. The goals of CPS interventions in cases involving domestic violence are:

- Ensure the safety of the child.
- All family members will be safe from harm.
- The non-offending parent/adult victim will receive services designed to protect and support him or her.
- The children will receive services designed to protect, support, and help them cope with the effects of domestic violence.
- The alleged perpetrator of domestic violence will be held responsible for their abusive behavior.
- The incidence of child maltreatment co-occurring with domestic violence will be reduced.

The challenge in providing Child Protective Services interventions in domestic violence situations is to keep the children safe without:

- Penalizing the non-offending parent/adult victim and
- Escalating the violent behavior of the alleged perpetrator of domestic violence.

Domestic Violence

Definition	Legal Basis
<p>Domestic violence is defined as the establishment of control and fear in an intimate relationship using violence and other forms of abuse including but not limited to:</p> <ul style="list-style-type: none"> • Physical abuse, • Emotional abuse, • Sexual abuse, • Economic oppression, • Isolation, • Threats, • Intimidation, and • Maltreatment of the children to control the non-offending parent/adult victim. <p>While victims and families may experience and be affected by domestic violence in different ways, there are still core aspects of domestic violence that are consistent across racial, socio-economic, educational, and religious lines:</p> <ul style="list-style-type: none"> • The primary goal of a domestic violence perpetrator is to obtain and maintain power and control over their partner. • While domestic violence may “present” as an incident of violence or neglect, it is rather a pattern of abuse, which may include violent incidents. • Domestic violence is not simply discord between intimate partners but rather a progressive, intentional, patterned use of abusive behaviors. 	<p>The N.C.G.S. § Chapter 50-B also defines domestic violence according to the relationship between the parties and behaviors or actions that constitute domestic violence, as well as its available relief. North Carolina General Statutes also identify certain misdemeanor and felony criminal offenses that often occur in the context of domestic violence, such as assault, stalking, violation of a Domestic Violence Protection Order, domestic criminal trespass, harassing telephone calls, communicating a threat, and strangulation.</p>

Domestic Violence

Protocol – What you must do	Guidance – How you should do it
<p><u>INTERACTION WITH NON-OFFENDING PARENT/CARETAKER</u></p> <p>The non-offending parent/adult victim must never be placed in danger by having to be interviewed, develop safety plans, or meet with the perpetrator of violence against him or her.</p>	<p>Each parent or caretaker is only responsible for their own actions to provide safe, nurturing care for their child(ren).</p> <p>INTERACTION WITH NON-OFFENDING PARENT/CARETAKER</p> <p>The Non-Offending Parent/Adult Victim Domestic Violence Assessment Tool (DSS-5235) contains scaled assessment questions and should be used to support the determination of safety and risk factors.</p> <p>The inability to speak with the non-offending parent/adult victim alone may be an indication of the level of control the perpetrator of domestic violence exerts over the family, and an indication of high risk. The presence of relatives or friends may also affect disclosure and safety.</p> <p>Information concerning resources and referrals to services should immediately be given to the non-offending parent/adult victim and children (as appropriate).</p> <p>With cases involving domestic violence, the safety of children is closely linked to the safety of the non-offending parent/adult victim. So, domestic violence cases also include a secondary focus on the safety of the adult victim. The non-offending parent/adult victim of domestic violence is the expert at predicting the domestic violence perpetrator's reactions. Therefore, development of the family safety plan or services agreement is driven by the non-offending parent/adult victim based on what they think they are capable of and willing to do to ensure safety for their child(ren) and themselves.</p> <p>A Safety Plan is a tool used by domestic violence advocates in providing services to non-offending parents/adult victims. The Personalized Domestic Violence Safety Plan (DSS-5233) contains suggested steps that may be useful for county child welfare agencies in:</p> <ul style="list-style-type: none"> • Safety planning with the non-offending parent/adult victim and • Assisting in the development of service agreements.

Domestic Violence

Protocol – What you must do	Guidance – How you should do it
<p><u>INTERACTION WITH THE CHILD(REN)</u></p> <p>The children must not be interviewed in the presence of the violent adult. It is appropriate to interview the children in the presence of the non-offending parent/adult victim as circumstances allow, and when the safety of the children is not compromised.</p> <p>Information obtained from the non-offending parent/adult victim or children that may jeopardize their safety must not be shared, <u>especially with the alleged perpetrator of domestic violence</u>. Sharing information shared that may seem</p>	<p>Keep in mind that a perpetrator (or their legal representative) can subpoena the contents of a case file. For the protection of the victim, the county child welfare services agency should make decisions on where and how domestic violence safety plans are maintained accordingly.</p> <p>To develop and monitor a coordinated services plan for every case with domestic violence, the county child welfare worker should:</p> <ul style="list-style-type: none"> • Seek out and utilize the consultation of a domestic violence expert throughout the life of the case. • Communicate with a domestic violence perpetrator's probation or parole officer regarding any current abuse. • Reach out and make connections with school social workers and teachers to gain information about the child's day-to-day functioning. • Work closely with Work First to create plans together. This is especially true when Work First may already be providing or can assist in referring a family for domestic violence services. <p>INTERACTION WITH THE CHILD(REN)</p> <p>The Children's Domestic Violence Assessment Tool, DSS-5237, contains scaled assessment questions and should be used to support the determination of the safety and risk factors.</p> <p>Every child reacts differently when exposed to domestic violence. Some children develop debilitating conditions, while others show no negative effects from the exposure to violence. As a result, it is important to interview the children regarding their involvement and/or exposure to domestic violence, as well as their general safety and well-being. It is important to recognize that older children are more likely to minimize reports of parental fighting. Younger children may be more spontaneous and less guarded with the information they share. See Impact on Children section of the Cross Function topic of Risk.</p>

Domestic Violence

Protocol – What you must do	Guidance – How you should do it
<p>inconsequential—specifically information about the non-offending/adult victim’s whereabouts and/or schedule if he or she has left the home/relationship—can place the child and non-offending parent/adult victim in grave danger.</p>	<p><u>INTERACTION WITH THE ALLEGED PERPETRATOR</u></p> <p>The Domestic Violence Perpetrator Assessment Tool (DSS-5234) contains scaled assessment questions and should be used to support the determination of the safety and risk factors.</p> <p>Interaction with the alleged perpetrator of domestic violence provides the opportunity to observe and document behaviors relative to the allegations, both positive and “concerning.” This observation supplements information obtained from:</p> <ul style="list-style-type: none"> • Police reports; • Criminal records; • Hospital/medical records; • The child(ren); and • The non-offending parent/adult victim. <p>It is important to note that the alleged perpetrator of domestic violence may attempt to:</p> <ul style="list-style-type: none"> • Present himself or herself as the “victim”; • Charm the county child welfare worker; • Gain control of the interview; and/or • Deny any domestic violence, insisting that the relationship is “perfect.” <p>During interaction with the perpetrator, the county child welfare worker should:</p> <ul style="list-style-type: none"> • Focus on information from third party reports such as law enforcement, medical providers, or the Administrative Office of the Courts. • Follow up on legal accountability and/or treatment and other service referrals for the alleged perpetrator of domestic violence. • Convey to the alleged perpetrator of domestic violence that based on what happened (citing as much information as possible without compromising confidentiality or safety of the children, non-offending parent/adult victim, and/or the reporter) he or she will be required to take steps to stop the violence and ensure that the children are safe.

Domestic Violence

Protocol – What you must do	Guidance – How you should do it
	<ul style="list-style-type: none"> • Avoid debates and arguments with the alleged perpetrator of domestic violence. This is crucial. The focus of CPS is not to convince the alleged perpetrator of domestic violence to admit violent behavior but discuss how to ensure the child’s safety with him or her. • Set limits within the interaction with the alleged perpetrator of domestic violence and document the behaviors that make setting limits necessary and their capacity to respect those efforts. <p><u>COLLATERAL CONTACTS</u></p> <ul style="list-style-type: none"> • It should be remembered that domestic violence usually occurs in private and collaterals will not always be aware of the violence. • Collateral contacts being unaware of the occurrence of violence does not mean that it is not happening.
Forms	Children’s Domestic Violence Assessment Tool (DSS-5237), Non-Offending Parent/Adult Victim DV Assessment Tool (DSS-5235), DV Perpetrator Assessment Tool (DSS-5234), Personalized DV Safety Plan (DSS-5233)

Child Well-Being

Protocol – What you must do	Guidance – How you should do it
<p><u>CHILD WELL-BEING</u></p> <p>All child well-being needs or any lack of medical, dental, mental health, or other care of the child must be:</p> <ul style="list-style-type: none"> Assessed during the provision of all child welfare services, Addressed by the county child welfare services agency or through service referrals, Reviewed during development and review of Family Services Agreements, and Documented (all the above). <p>Any physical, dental, developmental, psychological, and educational needs must be addressed, and appropriate assessments scheduled within one week from the identification of the need.</p> <p>To facilitate meeting the above, all open In-Home and Permanency Planning Services cases must include, at a minimum, current copies of:</p> <ul style="list-style-type: none"> Medical exam(s) current within the last year, Dental exam(s) current within the last year, Mental health or substance abuse treatment plan(s) current within the last year if the child has an associated need, Educational reports (academic and behavior) within the last year if the child is of school age, and/or Diligent efforts to obtain the above documentation. <p>Requests for this documentation must occur within the first month of ongoing (In-Home and Permanency Planning) cases. Confirmation of these documents and review of the documents, as appropriate, must occur during all updates of Family Services Agreements. There are additional requirements for open Permanency Planning Services cases regarding Education and Health. Also, refer to Permanency Planning and LINKS for additional requirements for youth over age 14.</p>	<p>CHILD WELL-BEING</p> <p>Assessment and identification of child well-being needs are important aspects of child welfare services.</p> <p>Involvement with child protective services can be traumatic to children and families. Most children, with or without a CPS intervention, have experienced incidents of trauma. Assessment of trauma and the impact on each child should be a part of the child's well-being assessment.</p> <p>If the family needs assistance in meeting any of the child well-being needs, the county child welfare worker should provide information, services, or referrals to meet the needs.</p> <p>Court proceedings against a parent/caretaker are not appropriate when there is a lack of adherence to child well-being issue(s) if the well-being issue(s) is not a risk/safety concern. Well-being issue(s) alone do not provide sufficient justification to keep a case open when it would otherwise be closed for services.</p> <p>All open In-Home and Permanency Planning Services cases should request current copies of the following documentation every six months:</p> <ul style="list-style-type: none"> Medical exam(s), Dental exam(s), Mental health or substance abuse treatment plan(s) if the child has an associated need, Educational reports (academic and behavior) if the child is of school age, and/or Other documentation regarding services to meet a child's well-being needs.

Child Well-Being

Protocol – What you must do	Guidance – How you should do it
<p>Child educational/developmental/cognitive needs include:</p> <ul style="list-style-type: none"> • Special education classes; • Normal grade placement, if child is school age; • Services to meet the identified educational needs, unless no unusual educational needs are identified; • Early intervention services; • Advocacy efforts with the school, unless the child is not school age or there have been no identified needs that are unmet by the school; and • How the educational needs of the child have been included in the case planning. <p>Child physical/medical health needs include:</p> <ul style="list-style-type: none"> • Whether the child has received preventive health care and if not, the efforts the agency will take to ensure that this care is obtained; • Whether the child has received preventive dental care and if not, the efforts the agency will take to ensure that this care is obtained; • Whether the child has up-to-date immunizations and if not, what efforts the agency will take to obtain them; • Whether the child/family is receiving treatment for identified health needs and if not, what efforts the agency will take to obtain the treatment; and • Whether the child is receiving treatment for identified dental needs and if not, what efforts the agency will take to obtain the treatment. <p>Child behavioral/mental health/emotional needs include:</p> <ul style="list-style-type: none"> • Whether the child is receiving appropriate treatment for any identified mental health/behavior/emotional needs/substance abuse needs and if not, what efforts the agency will take to obtain such treatment; and • Assessment of trauma and the impact on a child's well-being. 	

Child Well-Being

Protocol – What you must do	Guidance – How you should do it
<p>Child social/cultural/community relationship needs include:</p> <ul style="list-style-type: none"> • Whether the child has social/community connections and if not, what social/community connections could support the child; • Whether the child is engaged in community (school, church, social groups) activities and if not, identify community activities that the child may benefit from; and • Whether the child has a network for emotional, social, cultural, and/or other needs and if not, how one could be developed. 	
<p><u>EARLY INTERVENTION</u></p> <p>A referral must be made to the local Children's Developmental Services Agency (CDSA) for early intervention when:</p> <ul style="list-style-type: none"> • There is the appearance or presence of any of the North Carolina Infant Toddler Program eligibility conditions of “Established Conditions” or “Developmental Delay”, or • There is the likelihood that a child has a mild developmental delay in the areas of: <ul style="list-style-type: none"> ○ Cognitive development; ○ Physical development, including fine and gross motor function; ○ Communication development; ○ Social-emotional development; or ○ Adaptive development. <p>Any child under age three who has been identified as a substance affected infant must be screened for referral to the North Carolina Infant Toddler Program (NC ITP) through the local CDSA for early intervention services. Refer to the North Carolina Family Assessment of Strengths and Needs (DSS-5229) S6 - Child Characteristics to screen a child for referral to a CDSA.</p>	<p>EARLY INTERVENTION</p> <p>Whenever a county child welfare worker or a parent expresses concern about how a child’s development, CDSA can be contacted for consultation.</p> <p>Definition for “Established Developmental Conditions” or “Developmental Delay” can be found at Eligibility and Referral https://beearly.nc.gov/</p> <p>Use the DSS Referral Form for Early Intervention Services (CDSA) (DSS-5238).</p> <p>Parental consent is not required to make this referral.</p> <p>Acceptance of Early Intervention Assessment and Services is totally voluntary for the family, unless a safety issue has been identified that would necessitate a referral to Early Intervention Services.</p>

Child and Family Team (CFT) Meetings

Purpose
<p>Child and Family Teams are family members and their community supports that come together to create, implement, and update a plan for the child(ren), youth, and family. The purpose of a Child and Family Team meeting is to:</p> <ul style="list-style-type: none"> • Reach agreement on which identified child welfare issues will be addressed and how they will be addressed throughout the life of the case; • Develop a Family Service Agreement or safety plan that is created using the best ideas of the family, informal, and formal supports that the family believes in, the agency approves of, and lessens risk and heightens safety for the child/youth and family; and • Plan for how all participants will take part in, support, and implement the Family Service Agreement or safety plan developed by the team. <p>A CFT meeting is a way to engage and partner with all the people who surround a family and to support the family in building a support network that will eventually sustain it after the case is closed. A CFT meeting is a way for county child welfare agencies to share responsibility for protecting children/youth with their families and the community.</p>
Definition
<p>CFT meetings are structured, guided discussions with the family, their natural supports, and other team members about family strengths, needs, and problems and the impact they have on the safety, permanence, and well-being of the family's child(ren) and youth. The meetings share the following components:</p> <ul style="list-style-type: none"> • A clear but open-ended purpose; • An opportunity for the family to be involved in decision-making and planning; • Options for the family to consider and decisions for the family to make; • The family's involvement in the development of specific safety or permanent plans and in the development of services and supports; and • The outcome of the meeting will be reflected in the development or revision of a Family Services Agreement or a safety plan. <p>The primary focus must always be the safety and well-being of the child(ren) and youth.</p> <p>A meeting is not a CFT meeting:</p> <ul style="list-style-type: none"> • When a decision or plan has already been made and there is no room for input from family and natural supports either in deciding the plan or how to achieve the plan; • When the family (either biological or fictive) are not present; and • When the goal of the meeting is primarily information gathering, rather than case planning. While these fact-finding meetings are important and useful, they are not CFT meetings, and they may hinder the family's trust in county child welfare staff and services and ultimately negatively affect child welfare outcomes.

Child and Family Team (CFT) Meetings

Protocol -What Must Occur	Guidance – How it Should be Done
<p>All CFTs must have a clear purpose and provide an opportunity for the family to be involved in decision-making and planning.</p> <p>The county child welfare worker and/or the facilitator must assure that the ideas of the family and its natural supports are considered with the same weight as those of the professionals in the room.</p> <p>Non-resident parents (who may or may not be non-custodial parents) must be involved in the CFT meeting unless there is a valid conflict or safety issue, and this must be clearly documented in the case record.</p> <p>Children and youth must be involved in the CFT meeting. Participation of the child(ren) and/or youth and/or their input to the CFT must be clearly documented in the case record.</p> <p>The county child welfare worker, supervisor, and facilitator (if there is one) must ensure that physical and psychological safety is not compromised by the CFT meeting process. If the county child welfare services agency determines that a CFT cannot be held safely, there must not be a CFT meeting.</p> <p>A facilitator, who is neither the county child welfare worker for the family nor the supervisor of that county child welfare worker, must be used in cases with a current risk rating of high.</p>	<p>“Family” is a term that should be defined by the members. This is especially true when working with cases where the birth parents are no longer involved. When this is the case, there should be an in-depth conversation with the child(ren) and/or youth about whom he or she considers as family. Knowing that the people chosen for the team are likely to sustain the child(ren) and/or youth after the agency is no longer involved, it is important to keep an open mind and be creative in finding ways to support not only the child(ren) and/or youth but also those seen as family.</p> <p>While parental wishes about who is invited to the CFT are to be considered and respected, it is important that the county child welfare worker use diligence in helping the family to expand the circle that will sustain it. When parents or caretakers are reluctant to hold a family meeting or invite critical participants, county child welfare workers must seek to understand the source of the reluctance and how the safety and comfort of the parents or caretakers can be achieved while still ensuring the presence of people critical to the lives of the child(ren) and youth. The child(ren)’s wishes are also to be considered. There may be times when the parent is uncomfortable with inviting someone the child may desire to have present. A balance should be found between the parents’ wishes, the child’s wishes, and what is necessary to achieve the purpose of the meeting.</p> <p>Critical participants in addition to the family members at a CFT meeting should include but not be limited to:</p> <ul style="list-style-type: none"> • Involved professional providers, • Relatives, and • Safety providers. <p>It is not a question of whether the child(ren) and youth should be involved in the process, but rather how they should be involved in the process. While it is natural to want to protect children and youth from hearing traumatic details, they have already lived through much of what will be discussed. There are several things to consider when deciding how the child(ren) and youth will be involved in a CFT meeting. These include:</p>

Child and Family Team (CFT) Meetings

Protocol -What Must Occur	Guidance – How it Should be Done
<p>The CFT meeting, or the decision to not hold a CFT meeting due to safety concerns, must be documented.</p> <p>Use of CFT meetings is a key concept that must be applied to support family engagement. If a meeting is scheduled and CFT participants have been invited, the county child welfare services agency must still hold the meeting if a decision is needed regarding a child's safety, risk, and/or wellbeing.</p> <p><u>LACK OF PARENT/LEGAL CUSTODIAN</u></p> <p>If a parent does not attend a scheduled CFT meeting, the meeting will not meet the criteria to be a CFT. However, the agency must still determine the level of safety and/or risk, identify options to address the safety and/or risk, and make decisions regarding the required next steps.</p>	<ul style="list-style-type: none"> • The child(ren) and youth's own wishes. • The child(ren) and youth's developmental and cognitive abilities. • If the child(ren) and youth is in counseling, the therapist should be consulted about what kind of involvement is best. <p>Having the child(ren) and youth take part in a CFT meeting will not look the same in every meeting. Below are a few suggestions:</p> <ul style="list-style-type: none"> • Full participation in the entire meeting – preferably with a support person and/or mentor; • Partial participation in the beginning or the end; • Attendance, but with little participation; some children and youth may want to be present but may not be comfortable speaking; • Participation without attendance could be achieved through a spokesperson, reading a letter they have written, recording a message or by phone; • For very young, pre-verbal children, having their picture in the room can be a powerful way to keep the meeting focused on the child. <p>When a child and/or youth participates in a CFT meeting, it will be very important to prepare them as the adults are prepared.</p> <p>Use of a neutral facilitator is best practice for all CFT meetings. Below is a list of circumstances in which a facilitator might be especially helpful:</p> <ul style="list-style-type: none"> • Cases in which there is conflict or volatility; • Large or complicated family systems; • Difficult issues in accessing family members due to distance, incarceration, disability, or other factors; • Strained relationships between family members and county child welfare workers; • Complex situations such as those involving multi-generational abuse, neglect, sexual abuse, substance abuse, domestic violence, or mental illness; and • Extensive cultural and language differences between the county child welfare worker and the family or within the family system.

Child and Family Team (CFT) Meetings

Protocol -What Must Occur	Guidance – How it Should be Done
	<p>The following are some guidelines for assuring everyone’s safety before, during, and after a CFT meeting:</p> <ul style="list-style-type: none"> • Be sure the planning process for CFT meetings discusses the history of both conflict and violence with the family members prior to the meeting. Consider factors such as, but not limited to: <ul style="list-style-type: none"> ○ Have there been any threats of harm, use of weapons, escalation or increase in frequency of the threats or conflict, or criminal involvement? ○ Is there a history of mental illness? ○ Is there a history of substance abuse? • Be sure the planning process for CFT meetings includes the question of whether there are any court-sanctioned protective orders between family members. Do not conduct a meeting that violates protective orders. It may be helpful to consult an attorney about whether a person who is the subject of a protective order may participate by phone. Cases with domestic violence or family violence may require separate CFT meetings. • Where there is a history of violence or a concern for potential violence, consider, but don’t limit considerations to: <ul style="list-style-type: none"> ○ Choose a safe, neutral location; ○ Have support people or mentors for threatened or potentially volatile family members; ○ Have some members participate through pre-meeting interviews, written statements, or conference calls; ○ Arrange for a private check-in after the meeting with any vulnerable participants; ○ Arrange for vulnerable family members or those in conflict with one another to arrive at and leave the meeting separately, or to be escorted by staff or security personnel; and/or ○ Arrange for the presence of security and/or law enforcement.

Parent Engagement (including Non-Resident Parents) and Needs Assessment

Policy																	
Efforts to locate and engage all maternal and all paternal parents must occur during all phases of child welfare, unless the court has terminated parental rights.																	
Definitions																	
<p>Birth Parent: genetic, biological, or natural parents.</p> <p>Residential Parent: for the purpose of manual it is the parent with whom the child(ren) primarily resides.</p> <p>See Chapter X, The Juvenile Court and Child Welfare for definitions regarding juvenile court. Also, refer to the course “Legal Aspects of Child Welfare in North Carolina” for information regarding both NC Statute Chapter 7B and North Carolina Administrative Code 10 N.C.A.C.70A through 10 N.C.A.C.700 for the rules most relevant to child welfare.</p> <p>Keep in mind that definitions of terms in North Carolina statute can vary from statute to statute, depending on the context with which the term is applied. For example, in North Carolina guardianship law, Chapter 35A, the clerk of the court will decide if the person is incompetent and requires a guardian. This is a different context of the term guardianship than what is used in juvenile court in awarding guardianship. For this reason, county child welfare workers must be careful in their use of terminology and consult with their county attorney as needed. During provision of Permanency Planning Services, Chapter 7B should be the primary statute for consideration. During provision of CPS Assessments or In-Home Services, county child welfare workers may need to refer to Chapter 50 regarding child custody and/or domestic violence court.</p> <p>NC Statute Chapters:</p> <table border="1"> <thead> <tr> <th>Chapter Number</th><th>Title</th></tr> </thead> <tbody> <tr> <td>7B</td><td>Juvenile Code</td></tr> <tr> <td>35A</td><td>Incompetency and Guardianship</td></tr> <tr> <td>48</td><td>Adoptions</td></tr> <tr> <td>50</td><td>Divorce and Alimony</td></tr> <tr> <td>50A</td><td>Uniform Child-Custody Jurisdiction and Enforcement Act</td></tr> <tr> <td>50B</td><td>Domestic Violence</td></tr> <tr> <td>110</td><td>Child Welfare – Child Care Facilities & Child Support,</td></tr> </tbody> </table>		Chapter Number	Title	7B	Juvenile Code	35A	Incompetency and Guardianship	48	Adoptions	50	Divorce and Alimony	50A	Uniform Child-Custody Jurisdiction and Enforcement Act	50B	Domestic Violence	110	Child Welfare – Child Care Facilities & Child Support,
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Parent Engagement (including Non-Resident Parents) and Needs Assessment

The following definitions are not covered in Chapter X and the location of that definition in statute are provided only for reference.

Custodian: The person or agency that has been awarded legal custody of a juvenile by a court.

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-101.html

Physical Custody: The physical care and supervision of a child.

http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_50A/GS_50A-102.html

Stepparent: An individual who is the spouse of a parent of a child, but who is not a legal parent of the child.

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_48/GS_48-1-101.pdf

Protocol	Guidance
<p><u>PARENT ENGAGEMENT</u></p> <p>Both parents must be involved in all aspects of child welfare to include, but not limited to:</p> <ul style="list-style-type: none"> • CFTs and PPRs, • Shared parenting meetings, • Family Time and Contact Plans, • Safety Agreements, and • Family Services Agreements. <p>Absent parents must be involved in the CFT meeting unless there is a valid conflict or safety issue, and this must be clearly documented in the case record. See CFT for alternate methods to involve the absent parent in case planning if it is determined that the parent cannot participate in the CFT meeting due to a conflict or safety issue.</p>	<p>PARENT ENGAGEMENT</p> <p>Successfully involving parents in case planning may be the most critical component in child welfare practice. When parents are engaged and have a significant role in case planning they are more motivated to actively commit to achieving the case plan. Engaged parents are more likely to recognize and agree with the identified needs and problems to be resolved, perceive goals as relevant and attainable, and be satisfied with the planning and decision-making process.</p> <p>The following are principles and beliefs that support parent engagement.</p> <p>MRS and System of Care (SOC) principles emphasize:</p> <ul style="list-style-type: none"> • Every individual has strengths and has the right to be heard without judgments being made, • Families have the most information about themselves and that information is critical for decision-making, and • The importance of the family in meeting the needs of its members.

Parent Engagement (including Non-Resident Parents) and Needs Assessment

Protocol	Guidance
<p>The county child welfare services agency must engage in diligent efforts to locate and contact all parents.</p> <p><u>INITIAL AND ONGOING DETERMINATION OF FAMILY STRENGTHS AND NEEDS</u></p> <p>The determination regarding a family's strengths and needs starts during the CPS Assessment and must be completed through use of SEEMAPS or an equivalent method. See 5010 instructions page 1.</p> <p>Ongoing services must build upon the information identified during the CPS Assessment to ensure that the Family Services Agreement identifies services that are appropriate to address family needs.</p> <p>To ensure that child welfare services are addressing family needs that impact risk, safety, and child well-being, interviews and assessments of each family member regarding the family, their concerns, and their environment, must occur and be reviewed regularly. These assessments must include, but not be limited to, a review of:</p> <ul style="list-style-type: none"> • Household economic status; • Family/household social network, including household make-up, relationships with extended family members, and community engagement (including faith and/or cultural community); • Parent/caretakers' mental and/or behavioral health; • Parent/caretakers' physical health; 	<p>Six Family-Centered Principles of Partnership:</p> <ol style="list-style-type: none"> 1. Everyone desires respect. 2. Everyone needs to be heard. 3. Everyone has strengths. 4. Judgments can wait. 5. Partners share power. 6. Partnership is a process. <p>Underlying Beliefs of a Family-Centered Approach to Child Welfare:</p> <ul style="list-style-type: none"> • Safety of the child is the first concern. • Children have the right to their family. • The family is the fundamental resource for the nurturing of children. • Parents should be supported in their efforts to care for their children. • Families are diverse and have the right to be respected for their special cultural, racial, ethnic, and religious traditions; children can flourish in different types of families. • A crisis is an opportunity for change. • Inappropriate intervention can do harm. • Families who seem hopeless can grow and change. • Family members are our colleagues. <p>INITIAL AND ONGOING DETERMINATION OF FAMILY MEMBER'S STRENGTHS AND NEEDS</p> <p>See DSS-5010 instructions pages 14-16 for guidance in use of SEEMAPS. Use of SEEMAPS should not be limited to CPS Assessments. SEEMAPS is a tool that can utilized throughout service provision to reassess a family's/family member's needs and/or when working with a nonresident parent.</p> <p>Use of other tools such as Genograms or Ecomaps should be considered.</p>

Parent Engagement (including Non-Resident Parents) and Needs Assessment

Protocol	Guidance
<ul style="list-style-type: none"> • Parent/caretakers' educational, cognitive, communication, and decision-making capacity; • Parent/caretakers' relationship status (including an assessment of any history of relationship conflict or domestic violence); • Parent/caretakers' knowledge of child development and parenting skills; • Trauma history for all family members; • Parent/caretakers' substance abuse history; and • Other household conditions, to include but not limited to: <ul style="list-style-type: none"> ○ Household physical and environmental conditions, ○ Household routines, and ○ Transportation availability. <p>These assessments can be formal or informal but must be documented in the case file.</p>	<p>ABSENT, NON-RESIDENTIAL PARENTS</p> <p>A parent that has been referred to as absent, non-custodial, or non-residential may have information regarding their child. Working to develop an early partnership that includes that parent may provide an excellent foundation for them to not only become more involved in their child's life, but also may be a resource the child can reunify with and/or be a long-term support.</p> <ul style="list-style-type: none"> • Ask: How can the county child welfare services agency obtain the absent parent's involvement? • If the parents have a tenuous relationship, consider facilitating separate meetings between each parent with the foster parent. • If one parent is unable to travel a long distance for a meeting, consider facilitating a phone conference call or web meeting in order to begin developing a relationship between the parent and foster parent. <p>If an absent or noncustodial/non-residential parent is not involved in the planning, ask what it would take to become involved, as well as if there are any relatives that may be a resource in supporting the child.</p> <p>The following county child welfare worker behaviors support a collaborative relationship and increased family engagement:</p> <ul style="list-style-type: none"> • Listening to and addressing issues that concern the family; • Having honest discussions about the agency's authority and how it may be used (required by CAPTA); • Sharing openly with family members what to expect, particularly regarding court and timelines; • Balancing discussions of problems and needs with the identification of strengths and resources; • Incorporating the family's terminology regarding needs (rather than the caseworker's words); • Setting goals that are mutually agreed upon and, when possible, primarily created by the family and stated in their words;

Parent Engagement (including Non-Resident Parents) and Needs Assessment

Protocol	Guidance
<p>Even if a parent is incarcerated, (in-state or out-of-state), they must be contacted to determine if they can assist in identifying any strengths or needs of the family, give input on the Family Services Agreement, determine if there are any possible relatives that may be a resource in supporting the child, and determine what level of involvement they can maintain, particularly around the planning for and contact with the child.</p>	<ul style="list-style-type: none"> • Focusing on improving family members' skills rather than providing insights; • Providing family members with choices whenever possible; • Getting a commitment from family members that they will engage in mutually identified tasks; • Spending time with the family discussing goals and progress; and • Recognizing and praising progress. <p>To locate a parent that is in prison, contact the NC Department of Corrections Records Office. Contact numbers and addresses for specific prisons can be found on the NC Division of Prisons website. All inmates have a case manager or social worker that can assist in contacting a prisoner.</p>

Parent Engagement (including Non-Resident Parents) and Needs Assessment

PATERNITY

All the following information comes from [Child Support Services Manual](#) and is provided as information only. Child Support policy and Child Welfare policy (and Juvenile Court) vary on key aspects, especially in defining when paternity testing is required. When collaborating with Child Support Services, this information may be of value.

ESTABLISHING PATERNITY

If paternity has not been determined (either voluntarily or by court order) and no judicial action to establish paternity has been filed with the court, paternity testing can be initiated by agreement of the parties involved.

Testing by agreement is NOT appropriate if:

- An Affidavit of Parentage has been signed and has not been rescinded;
- A judicial action for paternity has been filed; or
- A court order of paternity has been entered.

For more information, specifically regarding establishment of paternity and paternity testing, see also [CSS Paternity Policy](#).

PATERNITY TESTING RESULTS

These results have the following effect if ordered under N.C.G.S. § 8-50.1:

- Probability of paternity is less than eighty-five percent (85%) - The alleged father is presumed NOT to be the parent.
- Probability of paternity is between eighty-five (85%) and ninety-seven percent (97%) - The results have same weight as other evidence.
- Probability of paternity is ninety-seven percent (97%) or higher - The alleged father is presumed to be the parent.

USING PREVIOUSLY COLLECTED TEST SAMPLES

Paternity test samples and test results for individuals who are tested under the state contract that are maintained by the testing laboratory can be used in subsequent testing conducted under this contract. Rather than collecting new samples, using existing samples or results can reduce the time and cost of subsequent testing. DNA samples or results obtained for testing under the state contract can be reused for subsequent tests, including:

- New testing for the same mother/ child/ father group.
- Testing of an individual in a different mother/ child/ father group.
- Testing that was conducted by the county which requested the initial test sample.
- Testing that was conducted by a different county than the initial requesting county.

Parent Engagement (including Non-Resident Parents) and Needs Assessment

EXCLUSION OF ALLEGED FATHER

Paternity testing that results in the exclusion of a man as the biological father of a child does not constitute a legal determination of non-paternity. However, test results are evidence that the court can consider in making such a determination.

If paternity testing excludes the alleged father as the biological father of a child, the appropriate course of action is based on whether a judicial or voluntary determination of paternity has been made, a marital presumption of paternity exists, or the child has no legally responsible father.

If a judicial or voluntary determination of paternity has been entered:

- Exclusionary test results do not void that determination.
- Test results can be used as evidence in a motion or independent action to disestablish paternity.
- The paternity determination remains in effect until a court makes a ruling.

If a marital presumption of paternity exists:

- Exclusionary test results do not invalidate the presumption of paternity.
- Test results can be presented as evidence in a judicial challenge of the presumption by the legal father.
- The presumption of paternity remains in effect until a court makes a ruling.

Identifying, Locating, & Engaging Extended Family Members

Legal Basis

[42 U.S. Code § 671](#)(a)(19) provides that the state shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant state child protection standards.

[42 U.S. Code § 671](#)(a)(19) provides that, within 30 days after the removal of a child from the custody of the parent or parents of the child, the state shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child, where such parent has legal custody of such sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence, that:

- a. Specifies that the child has been or is being removed from the custody of the parent or parents of the child;
- b. Explains the options the relative has under federal, state, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
- c. Describes the requirements to become a foster family home and the additional services and supports that are available for children placed in such a home; and
- d. If the state has elected the option to make kinship guardianship assistance payments, describes how the relative guardian of the child may subsequently enter into an agreement with the state to receive the payments.

[N.C.G.S. §7B-505](#), Requirements for Placement with Relatives:

- (b) The court shall order the department to make diligent efforts to notify relatives and other persons with legal custody of a sibling of the juvenile that the juvenile is in non-secure custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds the notification would be contrary to the best interests of the juvenile. In placing a juvenile in non-secure custody under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interests of the juvenile.
- (c) If the court does not place the juvenile with a relative, the court may consider whether nonrelative kin or other persons with legal custody of a sibling of the juvenile are willing and able to provide proper care and supervision of the juvenile in a safe home. The court may order the department to notify the juvenile's state-recognized tribe of the need for non-secure custody for the purpose of locating relatives or nonrelative kin for placement. The court may order placement of the juvenile with nonrelative kin if the court finds the placement is in the juvenile's best interests.

Identifying, Locating, & Engaging Extended Family Members

Legal Basis	
<p>N.C.G.S. §7B-903 Requirements for Placement with Relatives</p> <p>(a1) In placing a juvenile in out-of-home care under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that the placement is contrary to the best interests of the juvenile.</p>	
Protocol	Guidance
<p>County child welfare agencies must make diligent efforts to identify and locate extended maternal and paternal family members as soon as a county child welfare services agency becomes involved with a child/youth and continue throughout the case.</p> <p>At least once a month throughout the case, county child welfare workers must inquire with parents and children about extended family members to include:</p> <ul style="list-style-type: none"> • Knowledge of (names, when last seen); • Location (address, contact information); • Contact with (telephone, Facebook, etc.); or • Relationships (history with that relative, support that relative may be able to provide, etc.). <p>For states to meet the requirements of IV-E federal funding for foster care and adoption assistance, states must “consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, provided that the</p>	<p>County child welfare workers should consider their beliefs on what is possible for youth through connections with extended family members. Finding extended family members encourages workers to view case planning to address safety, risk, and permanence beyond one route.</p> <p>Identification – Requirements to Find and Locate</p> <p>The goal of identification of an extended family member or other “kin” is to promote connections for children/youth and to create more options for support and planning for the family, parent(s) or child(ren). Techniques to use include:</p> <ul style="list-style-type: none"> • Record Review: Closely review case record to identify and record names; • Interview all known family members, maternal and paternal, including child(ren), and fictive kin and/or close friends; and • Internet and social media searches: <ul style="list-style-type: none"> ○ www.Zabasearch.com ○ www.msn.com (White Pages) ○ www.USSEARCH.com ○ https://www.facebook.com/

Identifying, Locating, & Engaging Extended Family Members

Protocol	Guidance
<p>relative caregiver meets all relevant state child protection standards.” IV-E requires states to apply due diligence to identify and provide notice to all grandparents and other adult relatives of the child regarding:</p> <ul style="list-style-type: none"> • The fact that the child has been or is being removed from the custody of her or her parents; • The options the relative available to participate in the care and placement of the child; and • The requirements to become a foster parent to the child. <p>See Permanency Planning, Relative Notifications.</p>	<p><u>RECONNECTING WITH A RELATIVE</u></p> <p>Consideration must be given to the impact of any new or renewed connection to an extended relative. Although this connection is in general a positive event, there may be other extenuating circumstances that should be understood, including the following:</p> <ol style="list-style-type: none"> Families have a primary need to know what happened to “lost” relatives. While youth in foster care are not considered to be lost children, the child(ren), their relatives, or individuals who had a close relationship to the child(ren) continue to have a desire to know how their loved ones are doing. A majority of youth who’ve been adopted report a desire to find or be found by their birth parents and/or other extended family members. Identification and location of extended family won’t solve the psychological problems that can affect youth in foster care. Being in foster care has a life-altering effect on youth and families. The loss of connections, disruption to the life cycle, and number of transitions can be very traumatic even to resilient children/youth. Maintaining or reestablishing family connections may provide support to help youth and families heal. The process of locating and engaging families can open family wounds, rekindling the problems surrounding the child’s birth or removal. Numerous issues and questions may arise. It is the role of the county child welfare services agency to facilitate all contact to avoid situations involving blame, to ensure that all interaction acknowledges the youth’s current situation and need for wraparound support. Each person, conservatively, has about 100-300 living relatives. Permanence for youth in care is more than a legal goal. It involves the stability and continuity of relationships that are meaningful to individuals. Permanence incorporates a sense of belonging and cultural and social connections to a child/youth’s background and permanent home.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Multiethnic Placement Act

Policy and Definitions	Legal Basis
<p><u>MEPA</u></p> <p>The primary purpose of the Multiethnic Placement Act (MEPA) is to find permanent homes for foster children on a timely basis. All state and county agencies that use federal funds must comply with the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of 1996 (MEPA-IEP). MEPA prohibits states or agencies that receive federal funds from delaying or denying the placement of any child based on race, color, or national origin. Any consideration of race or ethnicity must be done in the context of individualized needs of the child, with the rationale specifically documented in the placement record.</p> <p>According to MEPA, agencies must honor birth parent's requests for placement options, unless it is contrary to the best interest of the child(ren). Training must be offered to all in consideration of licensing.</p>	<p>MEPA</p> <p>The Multiethnic Placement Act (MEPA) is designed to “prevent discrimination in the placement of children in foster care and adoption on the basis of race, color, or national origin; decrease the length of time that children wait to be adopted; and facilitate the identification and recruitment of foster and adoptive parents.” The best strategy for full compliance with the Multiethnic Placement Act (MEPA) is a comprehensive recruitment strategy that targets the general public and also specifically targets those communities that reflect the racial and ethnic diversity of your foster care population.</p> <p>An agency may not rely on generalizations about the needs of child(ren) of a particular race or ethnicity, or on generalizations about the abilities of prospective parents of one race or ethnicity to care for a child of another race or ethnicity. Any violation of MEPA-IEP will be deemed a violation of Title VI of the Civil Rights Act.</p>

Protocol – What you must do
<p><u>MEPA PLACEMENT REQUIREMENTS (INITIAL AND PLACEMENT CHANGES)</u></p> <p>Every agency must have a recruitment plan to comply with MEPA-IEP. The major thrust of MEPA's recruitment requirements is that agencies provide for the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the state or county for whom foster and adoptive homes are needed. Federal guidelines specifically call for a thorough recruitment effort that includes both general and targeted campaigns and encompasses the following features:</p> <ul style="list-style-type: none"> • Prospective foster and adoptive families throughout the community should be supplied with information regarding waiting children, the adoption process, and supports available to foster and adoptive families. • All community members should be reached through a general media campaign such as radio, television, and print.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol – What you must do
<ul style="list-style-type: none"> Information should be disseminated to targeted communities through community organizations such as churches or other religious institutions. Agencies should enhance their ability to reach various populations by developing partnerships with groups from the communities from which foster children come “to help identify and support potential foster and adoptive families and to conduct activities which make the children waiting more visible.” <p>To comply with MEPA’s “diligent efforts requirements,” each county’s recruitment plan must include the above-listed features. In addition, each plan must also include the following information:</p> <ul style="list-style-type: none"> A description of the characteristics of foster and adoptive children in the custody of the agency (i.e., age, race, time in care, special needs, etc.); Specific strategies to reach all parts of the community (as reflected in the demographics of the foster care population); Diverse methods of disseminating general and child specific information; Strategies for assuring that all prospective parents have equitable access to the preparation and selection process and the location and hours of services that facilitate access by all members of the community; Strategies for training foster and adoptive staff in cultural, racial and economic diversity and dealing with linguistic barriers; Assurance of non-discrimination in any fee structures; Procedures for ensuring a timely search for prospective parents for a waiting child, including the use of exchanges and other inter-agency efforts, provided that such procedures ensure that placement of a child in an appropriate household is not delayed by the search for a same race or ethnic placement; and Assurance that the agency does not use any “arbitrary or unnecessary” standards (such as those related to age, income, education, or housing situation) which exclude groups of prospective parents on the basis of race, color, or national origin.

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

INDIAN CHILD WELFARE ACT OF 1978 (ICWA)

Policy	Legal Basis
<p>The Indian Child Welfare Act of 1978 established nationwide procedures for the handling of Indian child placements and authorized the establishment of Indian child and family service programs. The act requires specific actions on behalf of a child who is a member of a federally recognized Indian Tribe, Aleuts, or members of certain native Alaskan villagers. Whenever it is suspected that a child may fit into any of these populations, the procedures outlined in this Act must be followed.</p> <p>Nothing in the Indian Child Welfare Act is to be construed as preventing the emergency removal of an Indian child to prevent imminent physical damage or harm to that child. If a county child welfare worker believes that a child is in imminent danger, the same procedures are followed as in any other emergency removal.</p>	<p>ICWA specifies that tribal courts have exclusive jurisdiction of children who reside on the reservation. If the child is a ward of a tribal court, but does not reside on a reservation, the jurisdiction of the case must be transferred to the tribal court. In any action leading to a foster care placement or in any termination of parental rights action affecting an American Indian child who does not reside on the reservation, the parents, guardian or custodian of the child may petition for transfer of jurisdiction to a tribal court. At any time during proceedings of a foster care placement the American Indian custodian and American Indian tribe have the right to intervene in the proceedings at any time. Tribal courts have the same authority as any state court and any decisions made by them that follow the ICWA guidelines have the effect of any other court decision.</p> <p>N.C.G.S. § 7B-505(c) (http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-505.html) was added in 2013 to provide changes to the placement of children while in non-secure custody. It enacted a new subsection to expand types of placements available to a child in non-secure custody by identifying individuals who may not be relatives but have a substantial relationship with the child. These individuals are defined as “non-relative kin”. It also gives additional placement options for American Indian children who are members of a state recognized tribe by defining non-relative kin to include members of state or federally recognized tribes regardless of the relationship with the child. One purpose of this change is to allow placement of children from state recognized tribes with American Indian families when in their best interest, given that state tribes are not protected by ICWA. This change also encourages these placements be made at the onset of the case and only when the placement is in the child’s best interest.</p> <p>The Act does not apply to a placement based on an act which, if committed by an adult would be deemed a crime (as in any situation in which a child was adjudicated delinquent and placed in foster care or a group home), or upon an award, in a divorce proceeding, of custody to one of the parents.</p> <p>MEPA-IEP specifically provides that it has no effect on the Indian Child Welfare Act of 1978.</p>

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Definitions	
<p>Indian: An Indian is defined as any person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation, as defined in the Alaska Native Claims Settlement Act.</p> <p>Indian Child: An Indian child means any unmarried person who is under 18 and is either (a) a member of an Indian tribe; or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. Tribes determine their own standards for membership eligibility.</p> <p>Indian Tribe: Any Indian tribe, band, nation, or other organized group of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan Native villager as defined in section 3(c) of the Alaska Native Claims Settlement Act.</p> <p>Indian Child's Tribe: An Indian child's tribe is defined as (a) the Indian tribe in which an Indian child is a member or eligible for membership or (b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the most significant contacts.</p> <p>Indian Reservation: Indian country as defined in Section 1151 of Title 18, United States Code and any lands, not covered under such section, title to which is either held by the United States in trust for any Indian tribe or individual subject to a restriction by the United States against alienation.</p> <p>The Act applies to Indian child custody proceedings and includes:</p> <ul style="list-style-type: none"> • County child welfare custody, when the parent or custodian cannot have the child returned on demand (as in Voluntary Placement Agreements), but where parental rights have not been terminated; • In termination of parental rights proceedings; • In pre-adoptive and adoptive placements; and • Proceedings regarding juvenile court assigned custody or guardianship of the person of the juvenile. 	<p>Cherokee Family Support Services is the agency of the Eastern Band of the Cherokee that handles the cases that involve the Indian Child Welfare act.</p> <p>If there is belief that the child is a Cherokee Indian child, the county child welfare services agency can contact Cherokee Family Support Services at P.O. Box 507 Cherokee, North Carolina 28719. They can assist in checking with the enrollment office to determine whether the child is an "Indian child." If the child is an "Indian child," then Cherokee Family Services will be the representative of the tribe that will be involved in the case. Members of other federally-recognized tribes who live and work in North Carolina are afforded the protections of this Act. The Bureau of Indian Affairs (BIA) has a listing updated each year of the appropriate tribal person to receive questions about membership and ICWA proceedings https://www.bia.gov/.</p> <p>The North Carolina Commission of Indian Affairs can help regarding local tribes and can also facilitate contact with tribal leadership for tribes located in other parts of the country. Many North Carolina Indians are members of state-recognized tribes:</p> <ul style="list-style-type: none"> • Coharie Tribe (Harnett and Sampson Counties); • The Haliwa-Saponi Tribe (Halifax and Warren Counties); • The Lumbee Tribe of North Carolina (Hoke, Robeson and Scotland Counties); • The Meherrin Indian Tribe (Hertford County); • Occaneechi Band of Saponi Nation (Alamance

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Definitions	
<p>The only federally-recognized tribal grounds in North Carolina are those of the Eastern Band of the Cherokee.</p> <p>STATE-RECOGNIZED TRIBES</p> <p>While the Indian Child Welfare Act protects members of federally-recognized tribes, children in state-recognized tribes merit similar consideration. N.C.G.S. § 143B-139.5A was enacted in 2001 to support collaboration between the Division of Social Services, the NC Directors of Social Services Association, and the Commission of Indian Affairs.</p> <p>The goal of this legislation is to create relationships, so tribes can receive reasonable notice when Indian children are placed in county child welfare custody or for adoption, recruitment of North Carolina Indians as foster and adoptive parents can be increased, and training on Indian culture and history can be provided to county child welfare workers and foster and adoptive parents. It is important to remember that the Multi Ethnic Placement Act (MEPA) applies to the placement of Indian children who are not covered by ICWA. When considering placement for any Indian child, every effort should be made to involve the tribal community in planning for the child in a setting that reflects their Indian culture.</p>	<p>and Orange Counties);</p> <ul style="list-style-type: none"> • Sappony (Person County); and • Waccamaw-Siouan Development Association (Bladen and Columbus). <p>Organizations:</p> <ul style="list-style-type: none"> • The Cumberland County Association for Indian People (Fayetteville); • The Guilford Native American Association (Greensboro); • Metrolina Native American Association (Charlotte); and • Triangle Native American Society (Raleigh).

Indian Child Welfare Act of 1978

Protocol	Guidance
<p>INDIAN CHILD WELFARE ACT (ICWA)</p> <p>Throughout the provision of child welfare services, including child protective services, agencies must complete the Indian Child Welfare Act Compliance Checklist (DSS-5291) whenever a family member indicates any American Indian heritage.</p> <p>For all cases found to be Substantiated or Services Needed, when there is information about American Indian heritage, whether in a federally- or state-recognized tribe, one of these</p>	<p>INDIAN CHILD ACT (ICWA)</p> <p>Having knowledge of a child's American Indian tribe membership, whether a state-recognized or federally-recognized tribe, is important for assurance of culturally competent practice, as well as for possible future placement planning.</p>

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance
<p>two forms must be completed, sent to the appropriate tribe/agency, and maintained in the file.</p> <ul style="list-style-type: none"> • DSS-5335 - completed with a parent/caretaker who has indicated that he/she has heritage in an American Indian tribe. • DSS-5336 – completed when the parent/caretaker is either absent or unwilling to cooperate with the agency <i>and</i> the agency has collateral information that the child(ren) may have heritage in an American Indian tribe. 	
<p><u>PLACEMENT PROVIDER REQUIREMENTS (INITIAL AND PLACEMENT CHANGE)</u></p> <p>Tribal courts have exclusive jurisdiction of children who reside on the reservation. If the child is a ward of a tribal court, but does not reside on a reservation, the jurisdiction of the case must be transferred to the tribal court.</p> <p><u>ICWA Placement Notification Requirements</u></p> <p>The parents of the child must be notified of the pending proceedings. The parent, Indian custodian, and Indian tribe must be informed by registered mail, return receipt requested, of the proceedings and of their right to intervene at any point in the proceedings. The notice must include the following information:</p> <ul style="list-style-type: none"> • The name of the Indian child and tribal affiliation; • Name and address of the petitioner and petitioner’s attorney; • Location, mailing address, and telephone number of the court; • Statement of the right of the Indian custodian and tribe to intervene and petition for transfer to tribal court; • Statement that if the parent or Indian custodian is unable to afford counsel, the court will appoint counsel; • Statement that the parent, custodian, or tribe may request 20 days to prepare for the proceeding; • Statement of the potential legal consequences of an adjudication on future custodial rights of the parent or Indian custodian; and 	<p>In any action leading to a child entering the custody of a county child welfare services agency or in any termination of parental rights action affecting an Indian child who does not reside on the reservation, the parents, guardian, or custodian of the child may petition for transfer of jurisdiction to a tribal court.</p> <p>During proceedings of a Permanency Planning case, the Indian custodian and Indian tribe have the right to intervene in the proceedings at any time. Tribal courts have the same authority as any state court and any decisions made by them that follow the ICWA guidelines have the effect of any other court decision.</p> <p>Parents and Indian custodians have the right to a court appointed lawyer in custody proceedings whenever indigence is a factor; the court may also appoint an attorney for the child to ensure his/her interests are protected.</p>

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance
<ul style="list-style-type: none"> Statement that the proceeding is confidential and should not be revealed except to authorized tribal members. <p>If the agency is unable to locate the parent or Indian custodian or cannot determine the Indian tribe, then the agency must notify the Secretary of the Bureau of Indian Affairs (BIA) at the appropriate office by registered mail, return receipt requested, of the child's pending court proceedings. There is no provision for service by publication. The Secretary has fifteen (15) days after receipt of this notice to inform the parent, Indian custodian, and Indian tribe of the proceedings.</p> <p>If ICWA requirements are not met, the tribe, Indian custodian, or parent can move to vacate the proceeding and begin again.</p> <p>Refer to the Indian Child Welfare Act Compliance Checklist (DSS-5291) for more information regarding the many procedures to comply with ICWA.</p> <p><u>ICWA “Active” Efforts Requirements for Obtaining Legal Custody</u></p> <p>Though procedures for obtaining legal custody and placement responsibility of an Indian child are similar to those regarding any other child, there are some major differences. All agencies must demonstrate to the court that “active” efforts were made to maintain the child in his/her own home. In the case of an Indian child, the agency must also specifically detail what remedial efforts and rehabilitative programs were provided to the family to keep it intact and how these efforts were unsuccessful. These are efforts that consider the social and cultural conditions of the tribe and use the resources of the extended family, tribe, and Indian social service agencies. Thus, active efforts can be more extensive than reasonable efforts. In addition, the agency must prove by clear and convincing evidence that staying in the home would <u>result in serious emotional or physical damage</u> to the child. That finding must be based on testimony from a “qualified expert witness” who is, in priority order;</p>	<p>Under ICWA, “parent” does not include the unwed father where paternity has not been acknowledged or established.</p> <p>For North Carolina proceedings, BIA notice should be sent to:</p> <p style="padding-left: 40px;">Gloria York Indian Child Welfare Services BIA Regional Office 545 Marriot Drive, Suite 700 Nashville, TN 37214 (615) 564-6740</p> <p>Parents have 10 days beyond the 15-day period before any proceeding can take place. However, the parent, Indian custodian, or the tribe may request and be granted up to a 20-day extension to prepare for the proceedings. The county child welfare services agency may have to ask the court to continue a 7-day or other hearing to comply with ICWA.</p>

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance
<ol style="list-style-type: none"> 1. A member of the child's tribe recognized by tribe knowledge in tribal custom, 2. A lay expert witness with substantial experience in the delivery of family services to Indians and knowledge of tribal child rearing practices, or 3. A professional person having substantial educational and experience in his specialty. <p><u>ICWA Placement Provider Requirements</u></p> <p>The placement for a child in county child welfare custody who may be eligible for the Indian Child Welfare Act must be:</p> <ul style="list-style-type: none"> • The least restrictive setting which most approximates a family and in which their special needs, if any, may be met. • Within reasonable proximity to their home. Placement resources for the child must be based on the following preferences: <ul style="list-style-type: none"> ○ A member of the Indian child's kinship network; ○ A foster home licensed, approved, or specified by the Indian child's tribe; ○ An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or ○ An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs. <p>Good cause to deviate from these preferences exists if:</p> <ul style="list-style-type: none"> • The parents or child "of sufficient age" so request, or • The extraordinary needs of the child require another placement or no families meeting the preference criteria can be found after a diligent search. 	<p>The BIA can assist in identifying a qualified expert witness, if requested to do so by a party or the court. If placement is to be made using state laws, each party to the case has the right to examine the documents filed with the court which serve as the basis of a decision by the court. In addition, the agency must demonstrate that it has offered remedial services to maintain the child with the family and that these efforts have failed.</p>
<p><u>ICWA and Use of Voluntary Placement Agreements</u></p> <p>For children that fall under the special provisions of the Indian Child Welfare Act, Voluntary Placement Agreements (DSS-1789) between the agency and parent or guardian have additional requirements. A Voluntary Placement Agreement will not be considered valid unless the agreement is:</p>	

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance
<ul style="list-style-type: none"> • Signed before a judge of competent jurisdiction and • Accompanied by a judge's certificate stating that the terms and conditions of the agreement were fully explained and understood by the parent or Indian custodian of the child. The certificate must also state that the parent or Indian custodian had the agreement explained either in English or through an interpreter in a language that the parent or Indian custodian understood. <p>Any consent given prior to or within ten (10) days of the birth of the Indian child is not valid.</p> <p>When a Voluntary Placement Agreement is in place at any time that the parent or Indian custodian of the child requests that the child be returned, the agency must return the child. If the agency feels that the child would be harmed, it must petition the court ensuring that all the rights and duties of an agency are followed in relation to the Indian child.</p>	
<p><u>ICWA and Termination of Parental Rights</u></p> <p>To terminate parental rights, the state court must make the same findings as previously discussed using expert testimony; the likelihood of damage must be established beyond a reasonable doubt. Absent good cause to the contrary, the child must be placed for adoption with a member of his extended family, other members of his tribe, or other Indian families.</p>	

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

MEXICAN HERITAGE

Legal Basis	
<p>A Memorandum of Agreement was established on March 30, 2017 between the Consulate General of Mexico in North Carolina and the Government of the State of North Carolina through the Department of Health and Human Services, Division of Social Services. This agreement recognizes the significance of preserving the cultural traditions and values of children with Mexican heritage. The purpose of this agreement is to ensure that children and their families are afforded the opportunity to receive necessary services beneficial to them. The services guarantee the protection offered by the Vienna Convention, Bilateral Convention, and all other applicable treaties and laws. This agreement provides specific details for child welfare agencies when considering securing custody of a child who has Mexican heritage. It is imperative that the identification of Mexican heritage is explored throughout the longevity of the case.</p>	
Protocol	Guidance
<p>Upon assuming legal custody of a child, county child welfare agencies must inquire as to whether the child has any Mexican parentage.</p> <p>Ongoing efforts to identify Mexican parentage must continue throughout the life of the case.</p>	
<p><u>NOTIFICATION TO THE MEXICAN CONSULATE</u></p> <p>County child welfare agencies must notify the Mexican Consulate in writing of the following:</p> <ul style="list-style-type: none"> • When the county child welfare services agency identifies a Mexican minor in its custody; or • When a parent or custodian of the Mexican minor requests that the Mexican Consulate be notified. <p>The written notification must be made within 10 working days of the minor entering agency custody. If the county child welfare services agency learns at a later time that the minor has Mexican parentage, notification must be sent without delay to the appropriate parties.</p> <p>County child welfare agencies must notify the Mexican Consulate and provide additional information:</p> <ul style="list-style-type: none"> • When a parent or custodian of a Mexican American minor has requested that the Consulate be notified; or 	<p>Counties should provide notice to the Mexican Consulate regarding court hearings involving Mexican minors, so the Consulate may attend these hearings.</p>

Special Legal Considerations (MEPA, ICWA, Mexican Heritage)

Protocol	Guidance
<ul style="list-style-type: none"> When the county child welfare services agency learns that a non-custodial parent(s) resides in Mexico. 	
<p><u>INITIAL INFORMATION TO BE PROVIDED TO THE MEXICAN CONSULATE</u></p> <p>County child welfare agencies must provide the Mexican Consulate with at least the following information, if available:</p> <ul style="list-style-type: none"> The full name of the Mexican minor(s); The date of birth of the Mexican minor(s); The full name of the parent(s) or custodian(s); and A name and phone number of the county child welfare worker directly responsible for the case. <p>As authorized, county child welfare agencies may provide the Mexican Consulate any of the information listed above pertaining to a Mexican American minor.</p> <p>For additional information, please refer to the Memorandum of Agreement.</p> <p>For information regarding the services provided by the Mexican Consulate, please refer to Services Provided by the Consulate General of Mexico and International Process Service.</p>	

Documentation

Definitions
<p>Documentation: Case documentation is comprised of all information in the case file. Documentation is critical in child welfare work as it establishes the basis for all decision making, including the critical decision to file a petition for removal of a child from their parent's care. Documentation includes, but is not limited to:</p> <ul style="list-style-type: none"> • Narrative (written by county child welfare worker to capture actions and activities completed) • North Carolina child welfare forms and other forms. Examples include but are not limited to: <ul style="list-style-type: none"> ○ Intake form (DSS-1402) ○ Assessment (DSS-5010) with case decision ○ Safety Assessment (DSS-5231) ○ In-Home Services Home Visit Record ○ Risk Assessment (DSS-5230) ○ Family Assessment of Strengths & Needs (DSS-5229) ○ Family Services Agreements ○ Monthly Permanency Planning Contact Record (DSS-5295) • Documents from service providers and collaterals. Examples include are but not limited to: <ul style="list-style-type: none"> ○ Criminal reports ○ School records ○ Medical records ○ Treatment plans • Court reports and court orders. <p>Case File: Includes all case documentation and provides a way to manage and organize the documentation.</p> <p>Narrative: The case notes written by the county child welfare worker to describe activities and actions performed on a case.</p>

Protocol – What you must do	Guidance – How you should do it
<p>Documentation is critical in child welfare work.</p> <p>Documentation, starting at the point where a report is received, must include but is not limited to:</p> <ul style="list-style-type: none"> • Facts – what, when, where, etc. 	<p>CASE FILES</p> <p>The county child welfare services agency should develop a consistent organizational format to be used in all cases. A consistent, organized format allows the county child welfare worker to locate necessary information readily; helps new county child welfare workers become familiar with their assigned cases more quickly; and enables child welfare supervisors to review cases more easily.</p>

Documentation

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> Information obtained from professionals – medical, educational, mental health information Family background – CPS history, criminal history, other service history Assessments Observations Plans – what will achieve desired change, what will reduce risk and/or address safety threat (usually in the form of a Safety Agreement or Family Services Agreement) Progress – what changes have occurred, what has a family accomplished, what services were effective Decisions and/or findings Summaries (for case transfer or case closing) <p>The case documentation must provide an ongoing chronological record of activities and track every action completed during an open case to:</p> <ul style="list-style-type: none"> Ensure safety, Perform ongoing monitoring of risk of maltreatment, Capture efforts to achieve permanence for each child, and 	<p>Multiple copies of forms, reports, court documents, and correspondence should be removed and destroyed. Maintaining only one original copy of a document in the case record cuts down on the volume and allows for more ready access to needed information.</p> <p><u>NARRATIVE</u></p> <p>The case narrative identifies all actions, including the completion, receipt, or review of forms and other documentation. The information in those other forms of documentation should not be repeated in the narrative, except when specific information is cited as the basis of a decision or action taken. Following are the different types of narrative (objective, subjective, assessment and/or decision making, and planning or next steps) and what those narrative types should include.</p> <p><u>Objective Narrative</u></p> <p>Objective case narrative describes every aspect of each activity completed by the county child welfare worker. Most case narrative is objective narrative that includes the following:</p> <ul style="list-style-type: none"> Who (who participated)? Include the county child welfare worker, all family members, all professionals, family supports, and others who were a part of the action; Why? What is the purpose of the action, what need, or concern will be addressed during the action, why must the action occur? Where? What was the location of the action? How? For interactions, state if the contact was by telephone, face-to-face, in a meeting, etc. When? What was the date and other pertinent information regarding time of action? What (what occurred)? Describe what occurred, including but not limited to: <ul style="list-style-type: none"> The interaction witnessed between participants, Capture statements word for word when appropriate, Describe the body language, Describe observed behaviors, reactions, and conditions (including tone of voice), Include diagnosis, treatment recommendation, or outcome from meeting or appointment, Describe each service task provided.

Documentation

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> Determine child well-being needs and activities to address those needs <p>These actions include face-to-face or telephone contacts that occur at the office and in the community, completing assessments or interviewing a family member, staffing between the county child welfare worker and supervisor, performing case management tasks, and more.</p> <p>Documentation, including narrative, must be current within 7 days of every activity or action.</p> <p>Documentation must be clear, concise, and organized.</p> <p><u>DOCUMENTATION OF DECISIONS</u></p> <p>The case narrative regarding any case decision must concisely articulate:</p> <ul style="list-style-type: none"> What decisions were made, Who was involved in the decision making, What information, condition, or factors the decision was based on, and The basis for all decisions. <p>Unless this information is not captured on another document (or NCDSS form).</p>	<p>The above listed questions should be captured using simple, descriptive, and nonbiased language. The “What?” portion of the narrative will often determine when the risk to a child has become significant and requires action by the county agency.</p> <p>Objective narrative is typically what will be used for ongoing activities, including but not limited to:</p> <ul style="list-style-type: none"> Home, school, office or community visits, Email or telephone contacts, Staffing with the supervisor, Case meetings (treatment or family meetings), Court hearings, File review, and Completing referrals or North Carolina child welfare forms. <p><u>Example of Home Visit Documentation</u></p> <p>Don’t: At the home visit with the Jones family on 10/16/16, Mr. Jones was drunk and belligerent. The children laughed at Mr. Jones as if they were used to this type of activity.</p> <p>Do: A home visit on 10/16/16 was performed by county child welfare worker to monitor the children’s safety and Mr. Jones’ compliance with alcohol treatment. At the visit were Mr. Jones, Ashley, Monica, and Jacob. When the county child welfare worker arrived at the home, Jacob answered the door and invited the worker into the home. Mr. Jones was sitting in the living room. When the worker approached Mr. Jones, she could smell alcohol on his breath and saw a bottle of beer on the table. Mr. Jones the worker why she was at the home, even though the visit was scheduled for this time, and told worker he was tired of her coming to the home. During this time, Ashley and Monica were playing a game on the floor and they looked up and laughed when Mr. Jones told worker he was tired of her ongoing visits. All three children appeared to be dressed in their school clothes (pants and short sleeve shirts). However, when asked, Jacob stated that they had not yet started to prepare food for dinner. The living room was cluttered with . . .</p>

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Protocol – What you must do	Guidance – How you should do it
<p>Documentation must include information to support decisions made, including reports, other documentation, and/or county child welfare worker narrative regarding observations or interviews, and that indicates any impact on the child from the abuse and/or neglect. See Impact on Children for behaviors and conditions that may indicate maltreatment.</p> <p>Case narrative must indicate how a decision will be implemented if not covered in other documentation. Specifically, case narrative must identify next steps, who is responsible, and by when they must be completed, if not covered on a form or other documentation.</p> <p>Case documentation must include case staffing notes and decision but must NOT include information regarding county child welfare worker performance (positive or negative) that is function of supervision.</p>	<p>NCDSS has developed forms that can be used in place of case narrative that support both objective narrative and subjective narrative (discussed below), including but not limited to the:</p> <ul style="list-style-type: none"> • Monthly In-Home Services Contact Record • Monthly Permanency Planning Contact Record <p>Additional case narrative may be required if the above forms do not cover all aspects of the home visit/contact. If all actions are captured on the form, no additional narrative is needed.</p> <p><u>Subjective Narrative</u></p> <p>Subjective narrative captures responses from case participants about how they are feeling, how the case is progressing, how unsafe they may be feeling, etc. To assess a family member’s status or change in status, the county child welfare worker should ask subjective questions and document the response. Examples include:</p> <ul style="list-style-type: none"> • Describe how you feel when this occurs. • How often does this happen or how long has this been going on? • What makes it better or worse? • What helps you to feel safe? <p>To understand family history, these subjective inquiries are often very important. This information, along with scaling questions and “what if” questions, can help county child welfare workers develop a better understanding of family circumstances. This understanding will enable the county child welfare worker to identify jointly with family members ideas to address concerns and strengths to build upon.</p> <p>Subjective narrative should be completed in the same manner as objective narrative, in that the county child welfare worker must capture what information was shared, where, and how. To demonstrate emotions and/or impact of the feelings, the observed body language should also be captured in the narrative.</p> <p>The county child welfare worker should describe communication and observations using words such as <i>loudly, shouting, whispering, looking at worker in the eye, eyes looking back and forth, smiling,</i></p>

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Protocol – What you must do	Guidance – How you should do it
	<p><i>crying</i>, etc. The county child welfare worker should not use words which impart the worker's feeling or opinion about the communication or observation (e.g., words such as <u><i>appeared to be happy, sad, upset</i></u>, etc.). County child welfare workers' subjective thoughts or reactions do not belong in the case narrative.</p> <p><u>Assessment and/or Decision Narrative</u></p> <p>During many interactions with a family, the county child welfare worker will have to assess the situation to determine if action is required. One of the most important aspects of the county child welfare worker's job is to monitor family situations and assess the safety and/or risk to child(ren). Assessment should be based on professional knowledge and experience, not opinion. Referring to the case example above, the worker will assess if the children are at risk in the care of Mr. Jones who appears to be under the influence of alcohol. Several factors will be considered (age and maturity of the children, the presence of anyone else in the home or due home shortly, the history regarding Mr. Jones's actions when under the influence, etc.).</p> <p>Assessment or decision narrative is captured:</p> <ul style="list-style-type: none"> • When a situation requires an immediate response and • For decisions made in meetings or during case staffing with the agency supervisor. <p>The case narrative about a case staffing should cover what decisions were made; who was involved in the decision making; what information, condition, or factors the decision was based on; and the basis for all decisions. When decisions are made during a Child and Family Team meeting, the same information will be documented within the form used to facilitate and document the meeting; additional case narrative may not be needed.</p> <p>North Carolina has developed forms that can be used in place of case narrative to support assessment and decision making, including but not limited to:</p> <ul style="list-style-type: none"> • Safety Assessment (DSS-5231) • Permanency Planning Review (part of the DSS-5240) • Child and Family Team Safety Planning form (pre-petition form) • Case decision portion of the structured CPS Assessment Documentation tool (DSS-5010)

Documentation

Protocol – What you must do	Guidance – How you should do it
	<p>Model Court Report forms provide a template for reporting recommendations, based on child welfare decisions, to the court.</p> <p><u>Planning or Next Steps Narrative</u></p> <p>Decisions not thoroughly captured in another form or document will be covered in the case narrative. For example, when the decision for a CPS Assessment is Services Needed, the next step will be to transfer the case for ongoing services. For the example with Mr. Jones above, if the decision was that the children could not remain in the care of Mr. Jones, next steps would be identified, and the case narrative would list those next steps, who is responsible, and by when they will be completed.</p> <p>North Carolina has developed forms that can be used in place of case narrative to support planning. These include but are not limited to:</p> <ul style="list-style-type: none"> • Family Services Agreements for In-Home Services and Permanency Planning Services • Child and Family Team Safety Planning form (pre-petition form) • Temporary Parental Safety Agreements <p><u>CASE SUMMARIES</u></p> <p>There are times when, in addition to the ongoing case documentation and/or completion of forms, a summary is required. A summary should be created for situations that include (but are not limited to) the following:</p> <ul style="list-style-type: none"> • Transfer: When a case is transferring to another worker or county, except when a summary exists, and • Closing: When a case is terminated with a family, except when a summary exists. <p>For both transfers and closings, the CPS assessment documentation tool (DSS-5010) includes a case summary.</p> <p>Transfer summaries should include, but not be limited to:</p> <ul style="list-style-type: none"> • Reason for the case opening, • Reason for transfer, • Current case participants (including nonresident parents and providers), • Current safety and risk concerns,

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Protocol – What you must do	Guidance – How you should do it
	<ul style="list-style-type: none"> • Strengths and needs for family members, • Status of child(ren) and family, • Status of family service agreements or safety plans, • List of upcoming appointments and meetings (who, where, when, why), and • Other pertinent information regarding the family, services, well-being, and/or cultural considerations. <p>Closing summaries should include, but not be limited to:</p> <ul style="list-style-type: none"> • Reason for case opening, • Status of child(ren) and family, specifically regarding safety and risk, • Justification for case closure (to include behaviorally-specific information about how the family has stabilized and achieved case plan objectives), • Services provided during the case, and • Recommendations for ongoing services or aftercare. <p>For Permanency Planning Services, transfer and closing summaries should also include:</p> <ul style="list-style-type: none"> • Status of permanency planning, • Placement status, including strengths and/or issues, • Family Time and Contact Plan and how it is progressing, • Sibling interaction (if siblings not placed together), • Court status, and • Aftercare services, if closing the case.
<p><u>NC FAST</u></p> <p>Case narrative will be entered into NC FAST as Case Log or Case Notes. Case Notes will only be used to capture county child welfare worker input regarding activities that did NOT involve making a decision and had no impact on safety, risk, and/or well-being. Case Notes functionality was provided to capture short (typically one-line) status updates, including but not limited to:</p> <ul style="list-style-type: none"> • “Informed supervisor that worker completed follow up with service provider as agreed to during staffing” (the narrative regarding the contact with the service provider will be entered into the Case Log). • “Received medical report on the child” (when the report is reviewed, and the information gained from the report that impacts the case decision or recommendations will be entered in the Case Log). 	

Human Trafficking

Policy	Legal Basis
<p>A child who is sold, traded, or exchanged for sex or labor is an abused and neglected juvenile, regardless of the relationship between the victim and the perpetrator.</p> <p>Child welfare agencies must identify, document in case records, and determine appropriate services for children and youth who are believed to be, or at risk of being, victims of human trafficking.</p> <p>This includes children and youth for whom the agency has an open CPS Assessment or an open CPS In-Home Services case, but who have not been removed from the home, children who are involved with Permanency Planning, and youth who are receiving LINKS services.</p>	<p>Public Law 106-386 Victims of Trafficking and Violence Protection Act of 2000, Division A - Trafficking Victims' Protection Act of 2000 defines severe forms of trafficking in persons and commercial sex act and outlines U.S. Government efforts to protect victims of trafficking.</p> <p>Public Law 113-183 – Preventing Sex Trafficking and Strengthening Families Act includes provisions to improve identification of and assistance for children who are victims or at risk of trafficking, system response for runaways from foster care, and normalcy for youth in foster care.</p> <p>Public Law 114-22 – Justice for Victims of Trafficking Act amended the definition of “child abuse” under the Victims of Child Abuse Act of 1990 to include human trafficking and the production of child pornography; amended the Child Abuse Prevention and Treatment Act to require states to develop and implement protocols and procedures to identify and assess reports involving children known or suspected to be victims of human trafficking; and clarified that a child is considered to be a victim of “child abuse and neglect” and of “sexual abuse” if the child is identified by a state or local agency as being a victim of sex trafficking or victim of severe forms of trafficking in persons.</p> <p>N.S.G.S. §7B-101 provides the definitions of an abused or neglected juvenile to determine a county child welfare services agency’s authority to intervene.</p> <p>N.C.G.S. Chapter 14 Article 10A Human Trafficking defines what actions by an offender equate to criminal human trafficking.</p>

Human Trafficking

Definitions

Federal Law

The Trafficking Victims Protection Act (22 U.S.C. 7102) defines

“severe forms of trafficking in persons”:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such an act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

“commercial sex act” as any sex act on account of which anything of value is given to or received by any person.

State Law

G.S. 14-43.11 **Human Trafficking**

A person commits the offense of human trafficking when that person (i) knowingly or in reckless disregard of the consequences of the action recruits, harbors, transports, provides, or obtains by any means another person with the intent that the other person be held in involuntary servitude or sexual servitude or (ii) willfully or in reckless disregard of the consequences of the action causes a minor to be held in **involuntary servitude or sexual servitude**.

G.S. 14-43.10(a)(3) **Involuntary Servitude** – The term includes the following:

- The performance of labor, whether or not for compensation, or whether or not for the satisfaction of a debt; and
- By deception, coercion, or intimidation using violence or the threat of violence or by any other means of coercion or intimidation.

G.S. 14-43.10(a)(5) **Sexual Servitude** – The term includes the following:

- Any sexual activity as defined in G.S. 14-190.13 for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years; or
- Any sexual activity as defined in G.S. 14-190.13 that is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of 18 years.

Human Trafficking

Definitions

G.S. 7B-101(1) **Abused Juveniles.**

Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker:

- (a.) Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means;
- (b.) Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means;
- (c.) Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior;
- (d.) Commits, permits, or encourages the commission of a violation of the following laws by, with, or upon the juvenile; first degree rape, as provided in N.C.G.S. §14-27.2; rape of a child by an adult offender, as provided in N.C.G.S. §14- 27.2A; second degree rape as provided in N.C.G.S. §14-27.3; first degree sexual offense, as provided in N.C.G.S. §14-27.4; sexual offense with a child by an adult offender, as provided in N.C.G.S. §14-27.4A; second degree sexual offense, as provided in N.C.G.S. §14-27.5; intercourse and sexual offenses with certain victims; consent no defense, as provided in N.C.G.S. §14-27.31 and N.C.G.S. §14- 27.32; unlawful sale, surrender, or purchase of a minor, as provided in N.C.G.S. §14-43.14; crime against nature, as provided in N.C.G.S. §14-177; incest, as provided in N.C.G.S. §14-178 and N.C.G.S. §14-179; preparation of obscene photographs, slides, or motion pictures of the juvenile, as provided in N.C.G.S. §14-190.5; employing or permitting the juvenile to assist in a violation of the obscenity laws as provided in N.C.G.S. §14-190.6; dissemination of obscene material to the juvenile as provided in N.C.G.S. §14-190.7 and N.C.G.S. §14-190.8; displaying or disseminating material harmful to the juvenile as provided in N.C.G.S. §14-190.14 and N.C.G.S. §14-190.15; first and second degree sexual exploitation of the juvenile as provided in N.C.G.S. §14-190.16 and N.C.G.S. §14-190.17; promoting the prostitution of the juvenile as provided in N.C.G.S. §14-205.3(b); and taking indecent liberties with the juvenile, as provided in N.C.G.S. §14-202.1, regardless of the age of the parties; or
- (e.) Creates or allows to be created serious emotional damage to the juvenile. Serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others;
- (f.) Encourages, directs, or approves of delinquent acts involving moral turpitude committed by the juvenile; or
- (g.) Commits or allows to be committed an offense under N.C.G.S. §14-43.11 (human trafficking), N.C.G.S. §14-43.12 (involuntary servitude), or N.C.G.S. §14-43.13 (sexual servitude) against the child.

G.S. 7B-101(15) **Neglected Juvenile.**

Any juvenile less than 18 years of age (i) who is found to be a minor victim of human trafficking under G.S. 14-43.15 or (ii) whose parent, guardian, custodian, or caretaker does not provide proper care, supervision, or discipline, or who has been abandoned; or who is not provided necessary medical care; or who is not provided necessary remedial care; or who lives in an environment injurious to the juvenile's welfare; or who has been placed for care or adoption in violation of the law. In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has died as a result of suspected abuse or neglect or lives in a home where another juvenile has been subjected to abuse by an adult who regularly lives in the home.

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
<p>Identifying a Victim of Human Trafficking A child who is sold, traded, or exchanged for sex or labor is an abused and neglected juvenile.</p>	<p>There may be times when it is not clear that a child is victim of human trafficking. County child welfare workers must be aware of the known risk factors and indicators of human trafficking.</p> <p>Risk factors:</p> <ul style="list-style-type: none"> • History of running away or getting kicked out of home; • History of homelessness or housing instability; • History of sexual abuse; • History of physical abuse; • History of sexual offense; • History of delinquent or reckless behavior (involvement with law enforcement or juvenile justice); • History of neglect or basic needs not having been met; • History of alcohol or substance use disorder; • Current or past involvement in the child welfare system; • History of depression/mood disorder; • Exposure to domestic violence; • Family instability; • Excessive absences from school • Identifies as lesbian, gay, bisexual, or transgender (LGBT); • Has disabilities, especially intellectual disability; • Immigration status; • Poverty; • Unemployment; • Lack of transportation. <p>Indicators:</p> <ul style="list-style-type: none"> • Visible signs of abuse such as unexplained bruises, cuts, marks; • Fear of person accompanying them; • Wearing new clothes of any style or getting hair or nails done with no financial means to do this independently;

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
<p>Required Notifications and Verifications Within 24 hours of accepting a report with allegations involving human trafficking or when the county child welfare services agency becomes aware that a child may have been trafficked, it must:</p> <ul style="list-style-type: none"> • Check the <u>National Center for Missing and Exploited Children</u> to see if the child or youth has been reported missing; • Check the <u>North Carolina Center for Missing Persons</u> to see if the child or youth has been reported missing; • Check with the appropriate local law enforcement agency to see if the child or youth has been reported missing/runaway; 	<ul style="list-style-type: none"> • Exhibits hyper-vigilance or paranoid behavior; • A young person with a tattoo which he or she is reluctant to explain; • Frequent or multiple sexually transmitted diseases, STIs, or pregnancies; • Truancy or tardiness from school; and • Unaccounted for times, vagueness concerning whereabouts, and/or defensiveness in response to questions or concerns. <p>The following risk factors, indicators, and vulnerabilities should be considered for foreign nationals:</p> <ul style="list-style-type: none"> • History of trauma, including civil unrest or prolonged community violence; • Social isolation; and • Lack of legal status (documentation). <p>These lists may not be inclusive of all risk factors, indicators, and vulnerabilities.</p>

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
<ul style="list-style-type: none"> • Notify the U.S. Department of Health and Human Services Office on Trafficking in Persons (OTIP) to facilitate the provision of interim assistance if the child is a foreign national. The county child welfare worker must contact OTIP Child Protection Specialists at childtrafficking@acf.hhs.gov or (202) 205-4582 and provide: <ul style="list-style-type: none"> — Child’s name, age, location, and country of origin; — Location of exploitation and suspected form of trafficking; and — County child welfare worker’s contact information or other preferred point of contact (e.g., the worker’s supervisor). <p>Safety Considerations</p> <p>County child welfare workers must collaborate with human trafficking victim organizations and advocates to address the unique circumstances and safety issues for children who are victims of human trafficking.</p>	<p>Immediate safety issues may include, but are not limited to:</p> <ul style="list-style-type: none"> • Access of the trafficker to the child; • Child or youth’s lack of safe housing or a safe place to stay; • Safety issues in the home of the parent, guardian, custodian, or caretaker; and • Risk of child or youth running away. <p>County child welfare workers should consider the unique needs for victims of human trafficking when making decisions about:</p> <ul style="list-style-type: none"> • Placement; • Healthcare; • Visibility in the community;

Human Trafficking

Protocol – What you must do	Guidance – How you should do it
<p>Determining and Utilizing Appropriate Resources</p> <p>When a county child welfare services agency has an open CPS Assessment, CPS In-Home Services, or Permanency Planning case where trafficking of the child is suspected or confirmed, the county child welfare worker must provide appropriate information and resources to the family. Referrals to other agencies and resources are instrumental in the identification and screening of victims and in the provision of ongoing services. These referrals must be made in accordance with the needs of the child.</p> <p>Role of the Parent, Guardian, Custodian, or Caretaker</p> <p>In cases where the perpetrator of human trafficking is not the parent, guardian, custodian, or caretaker, the county child welfare worker must assess and address the parent's ability and/or willingness to keep the child safe.</p>	<ul style="list-style-type: none"> • Visitation with family members; and • Releasing information. <p>Appropriate information and resources may include:</p> <ul style="list-style-type: none"> • National Human Trafficking Hotline Number (1-888-373-7888); • Contact information for local agencies serving survivors of human trafficking; and • Contact information for statewide agencies serving survivors of human trafficking. <p>See list of <u>Service Providers and Other Referrals in Human Trafficking Cases by County.</u></p> <p>The county child welfare worker should consider and/or ask questions about:</p> <ul style="list-style-type: none"> • The child or youth's decision to leave home, if applicable; • Whether the parent/caretaker allowed access by the alleged perpetrator; • If there was active or passive participation in the trafficking by the parent/caretaker; • The ability of the parent/caretaker to care for the child; • The ability of the parent/caretaker to prevent the child or youth from running away; and • The legal connection of any individual claiming to be a parent, relative, caregiver, or legal custodian to the child. In many cases traffickers will present themselves as a parent, relative, or legal custodian.

END OF CROSS FUNCTION TOPICS